

General Election

November 2, 2004



Candidate Filing Guide

Compiled By:
San Diego County Registrar of Voters

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COUNTY OF SAN DIEGO – REGISTRAR OF VOTERS

5201 Ruffin Road, Suite I
San Diego, California 92123
www.sdvote.com

Office Hours: 8 a.m. to 5 p.m.; Monday through Friday (excluding holidays)

ELECTION GUIDE

This pamphlet has been prepared to assist candidates in preparing for the election on November 2, 2004. This guide is not all encompassing; it merely summarizes the major provisions related to candidates running for office in San Diego County. Candidates, political committees, and anyone interested in elective office should not, therefore, rely solely on this guide; but should contact the Registrar of Voters Office for more detailed information, or seek legal counsel.

An informative campaign services seminar will be held on Wednesday, August 25, 2004. Candidates and campaign representatives may wish to attend. (See Page 65 for details.)

For further information or more detailed explanations, please call the numbers listed below:

Section	Telephone Number
Absentee/Mail Ballot	858-694-3415
Candidate Filing	858-694-3405
Election Day and Night	858-565-5800
Financial and Campaign Disclosure	858-694-3407
Precincts/Polls	858-565-5800
Voter Registration	858-565-5800

Several cities within San Diego County will also consolidate their regularly scheduled elections with the General Election. For information and filing requirements for offices in those cities, please contact each City Clerk at the following numbers:

City	Telephone Number	City	Telephone Number
Carlsbad	760-434-2808	National City	619-336-4228
Chula Vista	619-691-5041	Oceanside	760-435-3000
Coronado	619-522-7320	Poway	858-668-4530
Del Mar	858-755-9313	San Diego	619-533-4025
El Cajon	619-441-1764	San Marcos	760-744-4020 x3105
Encinitas	760-633-2601	Santee	619-258-4100 x114
Escondido	760-839-4617	Solana Beach	858-720-2400
Imperial Beach	619-628-2347	Vista	760-639-6125
La Mesa	619-667-1120		

NOTICE

No duty is imposed upon the Registrar of Voters to determine whether a candidate meets the requirements for holding office. The Declaration of Candidacy that each candidate must sign states that the candidate meets the statutory and/or constitutional qualifications for office including, but not limited to, citizenship, residency, and party affiliation, if required.

IMPORTANT NOTICE
PUBLIC REVIEW PERIOD SET
for the
NOVEMBER 2, 2004
GENERAL ELECTION

State law provides for a “public review period” of all candidates’ ballot occupational designations, candidates’ statements of qualifications, ballot measure analysis, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

The California Elections Code further defines this review period, with a distinct period for each document filed with the Registrar of Voters.

During this period, any voter who believes any portion of these materials to be false, misleading or inconsistent with state law may seek a writ of mandate or injunction requiring any or all of the material to be amended or deleted.

These periods are as follows:

Ballot Occupational Designations

July 28 to August 9	Local candidates in a “run-off” election (Please contact the Secretary of State for details regarding: U.S. Senate, Congress, State Senate, State Assembly.)
August 9 to August 18:	Candidates filed by August 6
August 12 to August 23:	Candidates filed by August 11 (during the 5-day extension)

Candidates’ Statements of Qualifications

August 9 to August 18:	Statements filed by August 6
August 12 to August 23:	Statements filed by August 11 (during the 5-day extension)

County Counsel’s Impartial Analysis of Local Propositions

August 17 to August 26

Ballot Arguments “in Favor of” or “Against” Local Propositions

August 19 to August 30

Rebuttals to Ballot Arguments “in Favor of” or “Against” local propositions

August 30 to September 9

All documents will be available for public review
at the Registrar of Voters Office during regular business hours.

NOTE:

The dates for any of the incorporated/charter cities may be different.
Please contact each City Clerk for details.

“Must Know” Items for the November 2004 General Election

✓ **Election Violations**

A contact list has been provided on Page 6 so that citizens' questions and complaints regarding elections will be directed to the proper authority.

✓ **Limits on Content of Candidates' Statement of Qualifications**

A landmark decision in 1998 by the 4th District Court of Appeals clarified that a candidate's Statement of Qualifications is limited to the candidate's own education and qualifications – and **cannot** contain any reference to his or her opponents. A copy of this ruling (*Dean vs. Superior Court*) is provided, as well as County Counsel's summary of its impacts . . . and the possible financial liabilities a candidate could incur should they fail to conform to the Court's decision. All candidates will be required to sign an acknowledgement that a copy of the *Dean* ruling has been provided to them. Also included is a copy of another recent opinion (*Hammond vs. Agran*) which clarifies the definition of “qualification.” These legal opinions begin on Page 51.

✓ **New, Streamlined Campaign Disclosure Forms**

The FPPC has moved to simplify and consolidate many of the reporting forms. Ask us for details.

✓ **Registrar's Campaign Services Seminar**

Learn what products and services are available from the Registrar of Voters for your campaign. The seminar will be held on Wednesday, August 25 (at 10 a.m. and again at 6 p.m.) in a spacious location – next door to the Registrar of Voters in the County's Planning Department chambers. See Page 65.

✓ **Daily Candidate List Available “On-Line”**

A list of candidates that have taken out and/or filed nomination documents with the Registrar of Voters for offices appearing on the November 2, 2004 General Election ballot will be updated daily and posted on the Registrar's website beginning July 13. This list will be available late-morning each day and will contain information through 5:00 p.m. the previous business day. Candidates for the various CITY offices throughout the county will be added to the list on August 16.

✓ **New Vietnamese Program and Enhanced Spanish and Filipino Coverage**

At the upcoming November Presidential Election, the Registrar of Voters will be providing – for the first time – service to Vietnamese American voters who need language assistance so they can more readily participate in the election process. The Registrar of Voters will translate election materials into Vietnamese and provide poll workers in those communities that require such service.

Additionally, the Registrar of Voters will enhance its service to Spanish and Filipino speaking voters by providing more assistance to those voters than ever before. This will be done primarily in the form of providing additional ballot and other election materials in those languages and by adding more Spanish and Filipino poll workers in the field on Election Day.

For information about these programs, please call 858-694-3410.

KNOW OF AN ELECTION VIOLATION?

Here's Who to Call

In response to the many inquiries we receive regarding possible election violations or fraud, a list has been compiled regarding who to contact for the various types of violations.

The San Diego County Registrar of Voters Office is **NOT** an enforcement agency and is therefore unable to investigate any violations. Reports of violations should be referred to the agencies listed below:

- False or misleading campaign materials: No agency enforcement; these issues are dealt with in court.
- Violations of the Political Reform Act (Title 9 of the California Government Code in Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: Contact the Fair Political Practices Commission at www.fppc.ca.gov, 800-561-1861.
- Election fraud: Contact the Registrar of Voters Office, 858-565-5800 or 800-696-0136, the District Attorney, 619-531-4051, or the California Secretary of State at www.ss.ca.gov, 916-657-2166.
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: Contact the District Attorney, 619-531-4051, or the California State Attorney General at www.caaq.state.ca.us, 800-952-5225.
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: Contact the Federal Election Commission at www.fec.gov, 800-424-9530.
- Open meeting laws (Brown Act): Contact the District Attorney, 619-531-4051, or the California State Attorney General at www.caaq.state.ca.us, 800-952-5225.
- Local ordinances: Contact your local city attorney or the District Attorney, 619-531-4051.
- Vandalism: Contact your local police department or the sheriff, as appropriate.
- Requirements concerning campaign signs: See the list of contacts on the "Sign Regulations" page in the Candidate Filing Guide.

FEDERAL / STATE / LOCAL ENFORCEMENT OFFICES	
Fair Political Practices Commission P.O. Box 807 (95812-0807) 428 J Street, Suite 450 Sacramento, CA 95814 Phone: 866-275-3772 FAX: 916-322-0886 Reporting Enforcement Violations 800-561-1861	Secretary of State Political Reform Division 1500 11 th Street, Room 495 Sacramento, CA 95814 Phone: 916-653-6224 FAX: 916-653-5045 Elections Division 916-657-2166
Federal Election Commission 999 E Street, NW Washington, DC 20463 Phone: 800-424-9530 For the hearing impaired, TTY 202-219-3336	Attorney General P.O. Box 944255 Sacramento, CA 94244-2550 Phone: 916-445-9555/800-952-5225
San Diego County District Attorney's Office 330 West Broadway San Diego, CA 92101 Phone: 619-531-4051 FAX: 619-237-1351	

CALENDAR

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CALENDAR OF EVENTS

GENERAL ELECTION - NOVEMBER 2, 2004

DATE	DAYS BEFORE ELECTION	EVENT
April 23	193	PETITION IN LIEU OF FILING FEE - ISSUE FOR <i>INDEPENDENT</i> CANDIDATES First day Registrar of Voters can issue Petition in Lieu of Filing Fee forms for <i>independent</i> candidates (for U.S. Senate or Congress). An <i>independent</i> candidate is seeking election to a partisan office and was not eligible for the Primary election. See separate section of this guide for details. (E.C. Sec. 8106, 8405)
June 7	148	NOMINATION PERIOD - FIRST DAY FOR <i>INDEPENDENT</i> CANDIDATES First day nomination papers for <i>independent</i> candidates may be issued. (E.C. Sec. 8403)
June 24	131	STATE MEASURES Last day for a statewide measure to qualify for the November ballot. (E.C. Sec. 9013)
July 12	113	NOMINATION PERIOD - FIRST DAY (Except <i>Independent</i> Candidates) First day nomination papers for local districts may be issued. (E.C. Sec. 10510)
July 22	103	PETITION IN LIEU OF FILING FEE - LAST DAY FOR <i>INDEPENDENT</i> CANDIDATES Last day to submit initial petitions in lieu of filing fee for <i>independent</i> candidates. The Registrar of Voters has 10 days in which to verify the signatures. (E.C. Sec. 8106, 8405)
July 27	98	BALLOT DESIGNATION - RUN-OFF CANDIDATES Last day for candidates involved in a run-off election from the March Primary to submit a change in ballot designation. (E.C. Sec. 13107)
August 6	88	NOMINATION PERIOD - LAST DAY Last day to file nomination papers and candidate's statement of qualifications. (E.C. Sec. 10510, 10603, B/S Policy I-1)
August 6	88	FINANCIAL AND CAMPAIGN DISCLOSURE Last day to submit Statement of Economic Interest (Form 700) where applicable. (Gov. Code Sec. 87200, 87201, 87300, 87500)
August 6	88	NOMINATION PERIOD LAST DAY FOR <i>INDEPENDENT</i> CANDIDATES Last day to file nomination papers for <i>independent</i> candidates. There is no 5-day extension period. (E.C. Sec. 8403)
August 6	88	PETITION IN LIEU OF FILING FEE - SUPPLEMENTAL FILING FOR <i>INDEPENDENT</i> CANDIDATES Last day to file supplemental signatures or pay a pro-rata portion of the filing fee to cover any deficiency. (E.C. Sec. 8106, 8405)
August 6	88	CANDIDATE WITHDRAWAL No candidate who has filed may withdraw after this date. This date is not applicable if the district has a 5-day extension (until August 11) because an incumbent did not file. (E.C. Sec. 10510, 10603)

**CAMPAIGN DISCLOSURE SCHEDULE
IS ON A PAGE FOLLOWING THIS CALENDAR**

CALENDAR OF EVENTS (Continued)

GENERAL ELECTION - NOVEMBER 2, 2004

DATE	DAYS BEFORE ELECTION	EVENT
August 6	88	LOCAL MEASURES - COUNTY, CITIES, SCHOOL DISTRICTS and SPECIAL DISTRICTS (Fire, Water, etc.) Last day to receive a resolution from a local jurisdiction for a measure to appear on the ballot. (E.C. Sec. 10403, Ed. Code Sec. 5322)
August 6	88	RUN-OFF CANDIDATES' STATEMENTS OF QUALIFICATIONS Last day for candidates involved in a run-off election from the March Primary to submit a new statement of qualifications. (San Diego City: Ask City Clerk for details.) (E.C. Sec. 13307)
August 9	85	CANDIDATES' STATEMENTS OF QUALIFICATIONS Statements may be withdrawn, but not changed. Withdrawal request must be in writing and signed by the candidate. (E.C. Sec. 13307)
August 11	83	NOMINATION PERIOD - EXTENSION Last day of extension for filing nomination documents if incumbent has not filed by August 6. Extension does not apply to Community Planning Areas. (E.C. Sec. 10516, 10604)
August 11	83	CANDIDATE WITHDRAWAL No candidate who has filed may withdraw after this date. This date is applicable only in districts with a 5-day extension of the filing period because an incumbent did not file. (E. C. Sec. 10516, 10604)
August 11	83	FILE PETITION TO HOLD ELECTION Last day to file a petition signed by 10% of the voters or 50 voters, whichever is less, requesting that a general district election be held if nominees do not exceed the number of offices to be filled. (E.C. Sec. 10515)
August 12	82	RANDOM ALPHABET There shall be a random drawing of the alphabet at 11 a.m. to determine the order in which candidates' names appear on the ballot. (E.C. Sec. 13112)
August 13	81	CANDIDATE LIST - INCORPORATED CITIES Last day for a City Clerk to file with the Registrar of Voters a list of the names and ballot designations of city candidates to appear on the ballot. (E.C. Sec. 10403)
August 25	69	CAMPAIGN SERVICES SEMINAR - 10 a.m. OR 6 p.m. Two-hour seminar to explain the products/services available from the Registrar of Voters. (See Page 65 of this guide for details.)
July 28 through September 9	97 to 54	TEN-DAY REVIEW PERIOD There shall be a "public review period" of all candidate statements, ballot measure arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet. Please see Page 4 for a complete explanation of the "Public Review Policy." The dates for any of the incorporated/charter cities may be different. Please contact each City Clerk for details.
September 7 (extended by holiday)	56	WRITE-IN CANDIDATES – NON-PRESIDENTIAL First day nomination papers for a write-in candidate may be issued. (E.C. Sec. 8601)

**CAMPAIGN DISCLOSURE SCHEDULE
IS ON A PAGE FOLLOWING THIS CALENDAR**

CALENDAR OF EVENTS (Continued)

GENERAL ELECTION - NOVEMBER 2, 2004

DATE	DAYS BEFORE ELECTION	EVENT
September 23 through November 1	40 - 1	MAIL SAMPLE BALLOTS Between these dates the Registrar of Voters will mail sample ballots.
October 4 through October 26	29 - 7	ABSENTEE/MAIL VOTING - BY MAIL OR IN PERSON Between these dates written applications for absentee/mail ballots will be processed by the Registrar of Voters. Applications received prior to October 4 will be held and processed during this period. <i>(E.C. Sec. 3001)</i>
October 18	15	VOTER REGISTRATION DEADLINE Last day to register to vote in the November General Election. <i>(E.C. Sec. 2102)</i>
October 19	14	WRITE-IN CANDIDATES - ALL OFFICES Last day for a person desiring to be a qualified write-in candidate to file the required documents with the elections official. <i>(E.C. Sec. 8601)</i>
October 27 through November 2	6-0	ABSENTEE VOTING - IN PERSON During this period absentee ballots are available at the Registrar of Voters Office when conditions prevent voting at a polling place. A written application signed by the voter under penalty of perjury is required. <i>(E.C. Sec. 3021)</i>
October 30 and October 31	3-2	ABSENTEE VOTING - WEEKEND HOURS The Registrar's office will be open the weekend before the election to assist voters unable to go to the polls on election day.
November 2	0	ELECTION DAY Polls open from 7 a.m. until 8 p.m. <i>(E.C. Sec. 14212)</i>

CAMPAIGN DISCLOSURE SCHEDULE IS ON A PAGE FOLLOWING THIS CALENDAR

The following page lists events that occur **AFTER** the election.

CALENDAR OF EVENTS (Continued)

GENERAL ELECTION - NOVEMBER 2, 2004

DATE	DAYS AFTER ELECTION	EVENT
November 26	+24	TERM BEGINS: BORREGO WATER Members take office on the last Friday in November. (<i>Water Code Sec. 35204</i>)
December 3	+31	TERM BEGINS: HOSPITAL DISTRICTS IRRIGATION DISTRICTS SCHOOL GOVERNING BOARDS UNIFORM (SPECIAL) DISTRICTS (Except Borrego Water) Members, elected or appointed, take office on the first Friday in December following the election. (<i>E.C. Sec. 10554, Ed. Code Sec. 5017, Health & Safety Code Sec. 32100.5, Water Code Sec. 21101</i>)
December 6	+34	TERM BEGINS: STATE LEGISLATIVE OFFICES State Senators and Members of the State Assembly take office on the first Monday in December following the election. (<i>Calif. Constitution Art. IV, Sec. 2</i>)
December 6	+34	TERM BEGINS: SAN DIEGO COMMUNITY COLLEGE DISTRICT SAN DIEGO UNIFIED SCHOOL DISTRICT Members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December. (<i>San Diego City Charter Sec. 66</i>)
January 3	+62	TERM BEGINS: UNITED STATES SENATOR REPRESENTATIVE IN CONGRESS Members take office on the third day of January, unless a different day is appointed by law. (<i>U.S. Constitution Amendment XX, Sec 2</i>)
January 3	+62	TERM BEGINS: COUNTY BOARD OF SUPERVISORS COUNTY BOARD OF EDUCATION JUDICIAL OFFICES COMMUNITY PLANNING AREAS MUNICIPAL WATER DISTRICTS Members take office on the first Monday after January 1 st following the election. (<i>Govt. Code Sec. 24200, Water Code Sec. 71253, B/S Policy I-1</i>)
January 20	+79	TERM BEGINS: PRESIDENT OF THE UNITED STATES The terms of the President and Vice President shall end at noon on the 20 th day of January . . . and the terms of their successor shall then begin. (<i>U.S. Constitution Amendment XX, Sec 1</i>)

**CAMPAIGN DISCLOSURE SCHEDULE
IS ON A PAGE FOLLOWING THIS CALENDAR**

CAMPAIGN DISCLOSURE

Filing Schedule for November 2, 2004

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT ^{1/}	METHOD OF DELIVERY
October 5, 2004	Pre-election	1/1/04 - 9/30/04 or 7/1/04 - 9/30/04	✓ Personal Delivery ✓ First Class Mail
October 21, 2004	Pre-election	10/1/04 - 10/16/04	✓ Personal Delivery ✓ Guaranteed Overnight Service
Within 24 Hours	Late Contributions ^{2/} and Late Independent Expenditures of \$1,000 or More ^{3/}	10/17/04 - 11/1/04	✓ Personal Delivery ✓ Telegram ✓ Guaranteed Overnight Service ✓ Fax
January 31, 2005	Semi-Annual	10/17/04 - 12/31/04	✓ Personal Delivery ✓ First Class Mail

Footnotes:

- 1/ The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- 2/ The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.
- 3/ A controlled committee of a candidate may not make independent expenditures to support or oppose another candidate. (*Gov. Code Sec. 85501*)

Additional Notes:

- ❖ If independent expenditures of \$1,000 or more are made in connection with the election, call the FPPC for guidance on filing special reports.
- ❖ There are no provisions in the law for an extension of the filing deadline. Late statements are subject to a \$10 per day late fine.
- ❖ Campaign statements of 30 pages or fewer may be faxed provided that the exact original and the required copies are sent to the filing officer(s) by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.
- ❖ All statements are public documents.

**FPPC Toll-Free Helpline: 1-866-ASK-FPPC
1-866-275-3772**

GENERAL QUALIFICATIONS TO RUN FOR AND HOLD PUBLIC OFFICE

AGE/ CITIZENSHIP	A person is incapable of holding a civil office if at the time of his/her election or appointment he/she is not 18 years of age and a citizen of the state. <i>(Gov. Code Sec. 1020)</i>
REGISTERED VOTER/ DISTRICT RESIDENT	Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment. <i>(E.C. Sec. 201)</i>
CONVICTION OF CRIMES	A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State. <i>(Gov. Code Sec. 1021)</i>

School District Index

COMMUNITY COLLEGE	UNION/UNIFIED SCHOOL		
Grossmont-Cuyamaca MiraCosta Palomar San Diego Southwestern	Alpine Union Bonsall Union Borrego Springs Unified Cajon Valley Union Cardiff Carlsbad Unified Chula Vista Elementary Coronado Unified Dehesa Del Mar Union Encinitas Union Escondido Union Fallbrook Union Elementary	Jamul-Dulzura Union Julian Union La Mesa-Spring Valley Lakeside Union Lemon Grove Mountain Empire Unified National Oceanside Unified Poway Unified Ramona Unified Rancho Santa Fe San Diego Unified San Marcos Unified	San Pasqual Union San Ysidro Santee Solana Beach South Bay Union Spencer Valley Vallecitos Valley Center-Pauma Unified Vista Unified Warner Unified
HIGH SCHOOL			
Escondido Union Fallbrook Union Grossmont Union Julian Union San Dieguito Union Sweetwater Union			

Special District Index

COMMUNITY PLANNING	COMMUNITY SERVICES	FIRE PROTECTION	HEALTHCARE	CALIFORNIA WATER	COUNTY WATER
Alpine Campo/Lake Morena Crest/Dehesa/ Harbison Canyon Granite Hills Descanso Fallbrook Jamul/Dulzura Julian Lakeside Pine Valley Potrero Rainbow Ramona San Dieguito Spring Valley Sweetwater Valle de Oro Valley Center	Borrego Springs Park Descanso Community Water Fairbanks Ranch Jacumba Julian Majestic Pines Morro Hills Valley Center Parks & Recreation Pauma Valley Rancho Santa Fe Rincon Ranch Whispering Palms	Alpine Bonita-Sunnyside Borrego Springs Deer Springs East County Julian-Cuyamaca Lakeside Lower Sweetwater North County Pine Valley Rancho Santa Fe San Diego Rural San Miguel Consolidated Valley Center Vista	Fallbrook Grossmont Palomar Pomerado Health Tri-City	Borrego Cuyamaca (Landowner) Riverview Wynola (Landowner)	Canebrake County Leucadia Wastewater Tia Juana Valley County Vallecitos
				IRRIGATION	PUBLIC UTILITY
				Helix Lakeside Santa Fe South Bay Vista	Fallbrook
			MUNICIPAL WATER		
			Mootamai Olivenhain Otay Padre Dam Pauma Questhaven	Rainbow Ramona Rincon del Diablo San Luis Rey Valley Center Yuima	

SPECIFIC QUALIFICATIONS

CALIFORNIA WATER DISTRICTS	Cuyamaca Water Wynola Water <i>(Water Code Sec. 34000 et seq.)</i> These are Landowner districts.	Each director shall be one of the following: (a) A holder of title to land within the district. (b) The legal representative of a holder of title to land within the district in accordance with Section 34030. ("Legal representative" means either of the following: (a) A duly appointed and acting guardian, executor, or administrator of the estate of a holder of title to land. (b) A person duly authorized to act for, and on behalf of, a holder of title to land that is not a natural person.) (c) A representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation. Term Begins: December 3, 2004 <i>(E.C. Sec. 10554, Water Code Sec. 35100)</i>
	Borrego Water Riverview Water <i>(Water Code Sec. 35201, 35252)</i>	Each director shall be a resident voter, not a landowner. Term Begins: November 26, 2004 – Borrego Water <i>(Water Code Sec. 35204)</i> December 3, 2004 – Riverview Water <i>(E.C. Sec. 10554, Water Code Sec. 35252.12)</i>
COMMUNITY PLANNING AREAS	Each member shall be a registered voter residing within the community or subregional area (if applicable). <i>(Board of Supervisors Policy I-1; See Page 71)</i> Term Begins: January 3, 2005 <i>(Board of Supervisors Policy I-1; See Page 71)</i>	
COMMUNITY SERVICES DISTRICTS	Each director shall be a registered voter residing within the district. <i>(Gov. Code Sec. 61200)</i> Term Begins: December 3, 2004 <i>(E.C. Sec. 10554, Gov. Sec. Code 61400)</i>	
COUNTY WATER DISTRICTS	Each director shall be a voter of the district. <i>(Water Code Sec. 30500)</i> Term Begins: December 3, 2004 <i>(E.C. Sec. 10554, Water Code Sec. 30700)</i>	
	Exception: Canebrake County Water District candidates shall be either a voter of the district or an owner of land within the district. <i>(Water Code Sec. 30513)</i>	
FIRE PROTECTION DISTRICTS	Each member of a district board shall be a registered voter and a resident of the district. <i>(Health & Safety Code Sec. 13841)</i> Term Begins: December 3, 2004 <i>(E.C. Sec. 10554, Health & Safety Code Sec. 13843)</i>	
HOSPITAL DISTRICTS	Each member shall be a registered voter residing in the district. (a) Except as provided in subdivision (d), no person who is a director, policymaking management employee, or medical staff officer of a hospital owned or operated by a district shall do either of the following: (1) Possess any ownership interest in any other hospital serving the same area as that served by the district hospital of which the person is a director, policymaking management employee, or medical staff officer. (2) Be a director, policymaking management employee, or medical staff officer of any hospital serving the same area as the area served by the district hospital. (b) For the purposes of this section, a hospital shall be considered to serve the same area as a district hospital when more than 5 percent of the hospital's patient admissions are residents of the district. (Continued on the next page)	

SPECIFIC QUALIFICATIONS (Continued)

HOSPITAL DISTRICTS (Continued)	<p>(c) For purposes of this section, the possession of an ownership interest, including stocks, bonds, or other securities by the spouse or minor children or any person shall be deemed to be the possession or interest of the person.</p> <p>(d) No person shall serve concurrently as a director or policymaking management employee of a district and as a director or policymaking management employee of any other hospital serving the same area as the district, unless the boards of directors of the district and the hospital have determined that the situation will further joint planning, efficient delivery of health care services, and the best interest of the areas served by their respective hospitals, or unless the district and the hospital are affiliated under common ownership, lease, or any combination thereof.</p> <p>(e) Any candidate who elects to run for the office of member of the board of directors of a district, and who owns stock in, or who works for any health care facility that does not serve the same area served by the district in which the office is sought, shall disclose on the ballot his or her occupation and place of employment. (<i>Health & Safety Sec. 32110</i>)</p> <p>Term Begins: December 3, 2004 (<i>E.C. Sec. 10554, Health & Safety Sec. 32100.5</i>)</p>
INCORPORATED CITY OFFICIALS	<p>Mayor, Council, Clerk, Treasurer Contact each City Clerk for specific filing requirements.</p>
IRRIGATION DISTRICTS	<p>Each director . . . shall be a voter and a landowner in the district and a resident of the division that he or she represents at the time of his or her nomination . . . and through his or her entire term. (<i>Water Code Sec. 21100</i>)</p> <p>Term Begins: December 3, 2004 (<i>Water Code Sec. 21101</i>)</p> <p>Exception: Helix Water and Lakeside Water Districts have dropped "Irrigation" from name; still follow "Irrigation District" laws.</p>
MUNICIPAL WATER DISTRICTS	<p>Each director shall be a resident of the division from which he is elected. (<i>Water Code Sec. 71250</i>)</p> <p>Term Begins: January 3, 2005 (<i>Water Code Sec. 71253, Gov. Code Sec. 24200</i>)</p> <p>Exception: Otay Water has dropped "Municipal" from name; still follows "Municipal Water District" laws.</p>
PUBLIC UTILITY DISTRICT	<p>Each director shall be a resident and qualified elector of the district. (<i>Public Utility Code Sec. 15952</i>)</p> <p>Term Begins: December 3, 2004 (<i>E.C. Sec. 10554, Public Utility Code Sec. 16152</i>)</p>
SCHOOL GOVERNING BOARDS	<p>Each member shall be a resident and registered voter of the school district and trustee area (if applicable). . . . Notwithstanding any other provision of law, no person shall file nomination papers for more than one district office . . . at the same election. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. (<i>E. C. Sec. 10603, Ed. Code Sec. 35107</i>)</p> <p>Term Begins: December 3, 2004 (<i>Ed. Code Sec. 5017</i>)</p> <p>Exception: San Diego Community College District and San Diego Unified School District: December 6, 2004 (<i>San Diego City Charter Sec. 66</i>)</p>

INCOMPATIBILITY OF OFFICES

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously **if the offices have overlapping and conflicting public duties**.

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

1. The offices of city councilman and school district board member where the city and the school district have territory in common;
2. fire chief of a county fire protection district and member of the board of supervisors of the same county;
3. high school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. water district director and a city council member,
5. water district director and a school district trustee having territory in common; and
6. deputy sheriff and county supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 324-5437 or visit their website, www.caag.state.ca.us. For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

SCHOOL DISTRICTS

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
ALPINE UNION SCHOOL Jo Anne Brynjestad Mark Price *Ann Pierce (Appt.)	2	1	11,000	200	\$155	NO
BONSALL UNION SCHOOL Richard Olson Sylvia Tucker	2		7,000	200	\$135	NO
BORREGO SPRINGS UNIFIED SCHOOL Darien Ainsley Gary Haldeman Robert Piva *Richard Caldwell (Appt.)	3	1	1,600	200	\$110	NO
CAJON VALLEY UNION SCHOOL Laoma "Dana" Davidson Jeff Kover	2		75,000	200	\$475	NO
CARDIFF SCHOOL Nancy Orr Michael Polan	2		7,000	200	\$135	NO
CARLSBAD UNIFIED SCHOOL Kelli Moors Elisa Williamson	2		36,500	200	\$285	YES
CHULA VISTA ELEMENTARY SCHOOL Seat 2 Cheryl Cox Seat 4 Patrick Judd	2		102,000	200	\$610	NO
Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).						
CORONADO UNIFIED SCHOOL Kevin Lightner Katy Roberson	2		11,000	200	\$155	NO
DEHESA SCHOOL Janice Green Jeff Royal, Sr.	2		1,400	200	\$110	NO
DEL MAR UNION SCHOOL Linda Crawford Janet Lamborghini	2		21,000	200	\$205	NO
ENCINITAS UNION SCHOOL Shannon Kuder Carol Skiljan	2		40,000	200	\$300	NO
ESCONDIDO UNION HIGH SCHOOL Kurt Marler Charlie Snowden	2		67,000	200	\$435	NO
ESCONDIDO UNION SCHOOL Zoe Carpenter Carilyn Gilbert	2		65,000	200	\$425	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
FALLBROOK UNION ELEMENTARY SCHOOL Wendy Bradshaw Anne Renshaw	2		20,000	200	\$200	NO
FALLBROOK UNION HIGH SCHOOL Dennis Allen Lynn Colburn	2		28,000	200	\$240	NO
GROSSMONT-CUYAMACA COMMUNITY COLLEGE Seat 1 *Deanna Weeks (Appt.) Seat 3 Ronald Kraft Seat 4 Timothy Caruthers	2	1	233,000	200	\$1,265	NO
Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).						
GROSSMONT UNION HIGH SCHOOL Tom Page Priscilla Schreiber	2		226,000	200	\$1,230	NO
JAMUL-DULZURA UNION SCHOOL Mark Bruder Chris McAdams	2		5,100	200	\$130	NO
JULIAN UNION HIGH SCHOOL Mary Anne Rodgers (Appt.) Susan Seiferth *James Mercer (Appt.)	2	1	2,800	200	\$115	NO
JULIAN UNION SCHOOL Michael Strachota Eileen Tellam *Joy Booth (Appt.)	2	1	2,500	200	\$115	NO
LA MESA-SPRING VALLEY SCHOOL William Baber (Appt.) Sharon Jones *(Vacant)	2	1	69,000	200	\$445	NO
LAKE SIDE UNION SCHOOL Twila Godley Mark Hinkley	2		22,000	200	\$210	NO
LEMON GROVE SCHOOL Jay A. Bass (Appt.) Robbie Montgomery	2		17,000	200	\$185	NO
MIRACOSTA COMMUNITY COLLEGE Trustee Area 3 Andrew Mauro (Appt.) Trustee Area 4 Gloria Carranza Trustee Area 5 Carolyn Batiste	3		184,000	200	\$1020	NO
Comments: Candidates must live in Trustee Area, but are voted on "at large" (by all voters of the district).						
MOUNTAIN EMPIRE UNIFIED SCHOOL Trustee Area 2 Linda Falconer Trustee Area 6 Ronald Cuevas Trustee Area 7 Kenneth Diebold	3		6,000	200	\$130	YES
Comments: Candidates must live in Trustee Area, but are voted on "at large" (by all voters of the district).						

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
NATIONAL SCHOOL Alma Graham James Grier, Jr.	2		17,000	200	\$185	NO
OCEANSIDE UNIFIED SCHOOL Adrienne Hakes Roy Youngblood	2		51,000	200	\$355	NO
PALOMAR COMMUNITY COLLEGE Nancy Chadwick Ralph Jensen Darrell McMullen	3		324,000	200	\$1,720	NO
POWAY UNIFIED SCHOOL Andrew Patapow Linda Vanderveen	2		92,000	200	\$560	NO
RAMONA UNIFIED SCHOOL Bill Cox Bob Hailey	2		19,000	200	\$195	NO
RANCHO SANTA FE SCHOOL James Depolo (Appt.) Deborah Plummer Barbara Taylor	3		4,000	200	\$120	NO
SAN DIEGO COMMUNITY COLLEGE District B William Schwandt District D Marty Block	2		490,000	400	\$5,000	NO
	Comments: Candidates were nominated by home district in the March Primary, but will be voted on "at large" (by all voters of the entire district) in November. Additional candidates cannot be added to the ballot.					
SAN DIEGO UNIFIED SCHOOL District A Frances O'Neill Zimmerman District D Ron Ottinger District E Ed Lopez	3		500,000	200	\$1,175 (with photo)	YES
	Comments: Candidates were nominated by home district in the March Primary, but will be voted on "at large" (by all voters of the entire district) in November. Additional candidates cannot be added to the ballot.					
SAN DIEGUITO UNION HIGH SCHOOL Joyce Dalessandro Joseph Stine (Appt.)	2		92,000	200	\$560	NO
SAN MARCOS UNIFIED SCHOOL Mary Borevitz Pamela Bancells Jay Petrek (Appt.)	3		44,000	200	\$320	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
SAN PASQUAL UNION SCHOOL Cary Enslow George McClure *D. Matt Marschall (Appt.)	2	1	1,700	200	\$110	NO
SAN YSIDRO SCHOOL Luis Figueroa Ernestine Jones	2		8,000	200	\$140	NO
SANTEE SCHOOL Seat 2 Dianne El-Hajj Seat 4 Cathy Abel	2		31,000	200	\$255	NO
	Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).					
SOLANA BEACH SCHOOL Scott C. Smith Joel F. Small	2		21,000	200	\$205	NO
SOUTH BAY UNION SCHOOL Elvia Aguilar Dee McLean	2		28,000	200	\$240	NO
SOUTHWESTERN COMMUNITY COLLEGE Seat 1 Jean Roesch Seat 3 David Agosto	2		164,000	200	\$920	NO
	Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).					
SPENCER VALLEY SCHOOL Jean E. Winslow *Lisa Boyer (Appt.)	1	1	300	200	\$105	NO
SWEETWATER UNION HIGH SCHOOL Seat 2 Pearl Quinones Seat 4 Bob Griego	2		153,000	200	\$865	NO
	Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).					
VALLECITOS SCHOOL Nicholas Maryn Charles Wells *David Huddleston (Appt.)	2	1	1,050	200	\$110	NO
VALLEY CENTER-PAUMA UNIFIED SCHOOL Patrick Simpson Wendy Zeugschmidt	2		12,000	200	\$160	NO
VISTA UNIFIED SCHOOL Stephen Guffanti David Hubbard Valerie Wade	3		65,000	200	\$425	NO
WARNER UNIFIED SCHOOL Jerry Davis Cindy Magill	2		1,200	400	\$120	NO

SPECIAL DISTRICTS

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
ALPINE COMMUNITY PLANNING Seat 1 Doug Benson Seat 3 Robert Dye Seat 5 Mark Price Seat 7 Neville Connell Seat 9 Paul Gonya Seat 11 Timothy McCarthy Seat 13 Larry Urdahl Seat 15 Guy L. Everest	8		10,000	200	\$150	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
ALPINE FIRE PROTECTION Ron Fuller Daniel Leward Smith	2		9,000	200	\$145	YES
BONITA-SUNNYSIDE FIRE PROTECTION Robert Scott	1		8,000	200	\$140	YES
				District Pays		
BORREGO SPRINGS FIRE PROTECTION Bradley Tidwell Sharon Sewall Martin Orenyak	3		1,500	200	\$110	NO
BORREGO SPRINGS PARK COMMUNITY SERVICES Tom Coffey Abby King Alex Pattee (Appt.)	3		100	200	\$105	NO
BORREGO WATER Eleanor Shimeall Charles Lusk *Scot Fortiner (Appt.)	2	1	1,300	200	\$110	YES
				District Pays		
CAMPO/LAKE MORENA COMMUNITY PLANNING Seat 1 Janette Mills Seat 3 Joe Sayatovich Seat 5 Shirley J. Driscoll Seat 7 Randolph (Randy) Lenac Seat 9 Larry Johnson	5	0	1,500	200	\$110	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The five candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
CANEBRAKE COUNTY WATER Robert Calhoun Richard Seymour (Appt.)	2		20	200	\$105	NO
Comments: Canebrake County Water District candidates shall be either a voter of the district or an owner of land within the district. (Water Code Sec. 30513)						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 800 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
CREST/DEHESA /HARBISON CANYON/ GRANITE HILLS COMMUNITY PLANNING <u>Crest</u> Seat 1 Jeffrey Pasek Seat 3 Timothy R. McMaster <u>Dehesa</u> Seat 5 Dean Scott Seat 7 Waldon G. Riggs <u>Harbison Canyon</u> Seat 9 Robert Fligg Seat 11 Philip L. Slimko <u>Granite Hills</u> Seat 13 Carlotta B. Nordahl Seat 15 Paula Svoboda	8		6,500	200	\$135	YES
	Comments: Seat numbers are for identification purposes only. Candidates must live in community area, but are voted on "at large" (by all voters of the district). The candidate(s) in each community with the most votes will be elected and given seat numbers at the organizational meeting.					
CUYAMACA WATER Ronald Brown Rees B. Skinner *Kenneth Burnside (Appt.)	2	1	N/A (Landowners)	200	\$105	NO
	Comments: Candidates and voters must be landowners.					
DEER SPRINGS FIRE PROTECTION Frank L. Asaro Jean F. Slaughter (Appt.) *Eugene D. Howell (Appt.)	2	1	7,000	200	\$135	NO
DESCANSO COMMUNITY PLANNING Seat 1 Jean Zertuche Seat 3 Deirdre Carter Seat 5 Michael A. Sterns Seat 7 Donald E. Hickie Seat 9 Walter Kirkwood	5		1,200	200	\$110	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The five candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
DESCANSO COMMUNITY WATER Donald Bosch (Appt.) Janet Lockett	2		500	200	\$105	NO
EAST COUNTY FIRE PROTECTION Doreen Guidry Neal Smith	2		5,200	200	\$130	NO
FAIRBANKS RANCH COMMUNITY SERVICES Cliff Breining David Doyle Linda Kaeser *Howard Chang (Appt.)	3	1	1,100	200	\$110	NO
FALLBROOK COMMUNITY PLANNING Seat 1 Arthur Henry Seat 3 Carolyn Major Seat 5 Jane L. Comella Seat 7 Harry Christiansen Seat 9 Robert Green Seat 11 John Crouch Seat 13 Mary Jane Pfeil Seat 15 Jim Bowen	8		20,000	200	\$200	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
FALLBROOK HEALTHCARE Donald H. McNamara Eric Gluesenkamp *Kit-Bacon Gressitt (Appt.)	2	1	25,000	200	\$225	YES
FALLBROOK PUBLIC UTILITY Seat 1 Bert Hayden Seat 2 Keith Battle Seat 3 Bob Francis	3		14,000	200	\$170	NO
	Comments: Candidates must declare seat number, but are voted on "at large" (by all voters of the district).					
GROSSMONT HEALTHCARE Deborah McElravy James Stieringer Robert Yarris	3		245,000	200	\$1,325	YES
HELIX WATER (IRRIGATION) Div. 1 John B. Linden Div. 3 H. Warren Buckner Div. 5 Barbara J. Barber	3		24,600 23,400 25,000	400	\$350 \$340 \$350	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					
JACUMBA COMMUNITY SERVICES Larry Theel Debby Troutt (Appt.) *Jesus Jimenez (Appt.)	2	1	250	200	\$105	YES
JAMUL-DULZURA COMMUNITY PLANNING Seat 1 Dan Neirinckx Seat 3 Bob Johnston Seat 5 Linda Ivy Seat 7 Frank Hewitt Seat 9 Richard Wright Seat 11 Earl Katzer Seat 13 Sheri Lynn Snivel Seat 15 Steve Wragg	8		6,000	200	\$130	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
JULIAN COMMUNITY PLANNING Seat 1 Gene Helsel Seat 3 Ray Meyer Seat 5 Betty J. Birdsell Seat 7 Franklin Barnes Seat 9 Dave Bittner Seat 11 Bobbi Zane	6		2,100	200	\$115	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The six candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
JULIAN COMMUNITY SERVICES Valorie A. Ashley Susan Klaesson William H. Porter, Jr. *Robert U. Mehlhorn (Appt.)	3	1	200	200	\$105	NO
JULIAN-CUYAMACA FIRE PROTECTION Carol Murdoch Christina Rogers (Appt.) Jim Mazzone (Appt.) *Marion Reynolds (Appt.) *Dean Stowers (Appt.)	3	2	2,300	200	\$115	NO

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
LAKESIDE COMMUNITY PLANNING Seat 1 Robin G. Clegg Seat 3 Santo Pernicano Seat 5 George S. Barnard Seat 7 David Landry Seat 9 Wyatt Allen, Jr. Seat 11 Rick Smith Seat 13 Linda Strom Seat 15 Janis Shackelford	8		31,000	200	\$255	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
LAKESIDE FIRE PROTECTION Lloyd Dailey Martin Walsh	2		32,000	200	\$260	YES
LAKESIDE WATER (IRRIGATION) Div. 1 Eileen Neumeister Div. 4 M. Bruce Robertson	2		2,000 2,200	200	\$110 \$115	NO
Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.						
LEUCADIA WASTEWATER Judy Hanson Lois E. Humphreys Allan Juliusen	3		32,500	200	\$265	NO
LOWER SWEETWATER FIRE PROTECTION Charles Andrews Butch Fimpel	2		900	200	\$105	NO
MAJESTIC PINES COMMUNITY SERVICES David Carey John Seiferth (Appt.) Penny Watson	3		700	200	\$105	NO
				District Pays		
MOOTAMAI MUNICIPAL WATER Div. 2 Andy Knight *Div. 3 (Vacant) Div. 4 Julia J. Schell Div. 5 Norma Larios	3	1	6 45 14 4	200	\$105 \$105 \$105 \$105	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
MORRO HILLS COMMUNITY SERVICES Robert W. Hein Thomas G. Harrington	2		550	200	\$105	NO
NORTH COUNTY FIRE PROTECTION Richard A. Olson Gary Ungricht Edward Williams	3		23,500	200	\$220	YES

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
OLIVENHAIN MUNICIPAL WATER Div. 2 Mark Muir Div. 5 Harold Gano	2		5,700 6,500	200	\$130 \$135	YES
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
OTAY WATER (MUNICIPAL) Div. 2 Jaime Bonilla Div. 4 Jose Lopez Div. 5 Paul Lewis	3		9,500 14,000 18,000	200	\$150 \$170 \$190	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
PADRE DAM MUNICIPAL WATER Div. 2 Augie Scalzitti Div. 4 Lex Boswell	2		13,500 14,000	200	\$170 \$170	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
PALOMAR POMERADO HEALTH Nancy L. Bassett Michael D. Berger Marcelo R. Rivera *Bruce G. Krider (Appt.)	3	1	222,000	200	\$1,210	NO
PAUMA MUNICIPAL WATER Div. 1 Frances Armstrong Div. 2 Warren Lyall *Div. 3 (Vacant) Div. 4 Donald Armstrong	3	1	11 11 3 14	200	\$105 \$105 \$105 \$105	NO
	District Pays					
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
PAUMA VALLEY COMMUNITY SERVICES J. Clayburn LaForce John B. Lyttle *William Taylor (Appt.)	2	1	400	200	\$105	NO
PINE VALLEY COMMUNITY PLANNING <u>Pine Valley</u> Seat 1 Lucille Goodman Seat 3 Jeff Strohming Seat 5 Bob Smith <u>Guatay</u> Seat 7 Veva Thing Seat 9 Roger W. Wilson Seat 11 Ed Foland <u>Mt. Laguna</u> Seat 13 Lynne Blattner	7		1,500	200	\$110	YES
	Comments: Seat numbers are for identification purposes only. Candidates must live in community area, but are voted on "at large" (by all voters of the district). The candidate(s) in each community with the most votes will be elected and given seat numbers at the organizational meeting.					

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
PINE VALLEY FIRE PROTECTION Charles A. Chapman, Jr. Neil F. Pere *Rick Beradi (Appt.)	2	1	1,400	200	\$110	NO
POTRERO COMMUNITY PLANNING Seat 1 Janet Wright Seat 3 Shirley A. Reider Seat 5 Jerry Johnson Seat 7 Carl Meyer Seat 9 Phil Kirk	5		500	200	\$105	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The five candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
QUESTHAVEN MUNICIPAL WATER Div. 2 Gordon Bleth Div. 4 Jonathan Wiltshire	2		3 5	200	\$105 \$105	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
RAINBOW COMMUNITY PLANNING Seat 1 (Vacant) Seat 3 Craig Ohlson Seat 5 James L. Anderson Seat 7 (Vacant) Seat 9 James Beebe Seat 11 Ron Trotter Seat 13 R. Williamson Seat 15 (Vacant)	8		1,000	200	\$105	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
RAINBOW MUNICIPAL WATER Div. 1 Thomas Clemens Div. 2 Robert Craig (Appt.)	2		3,000 2,200	200	\$115 \$115	YES
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
RAMONA COMMUNITY PLANNING Seat 1 L. "Dutch" Van Dierendonck Seat 3 Andrew Simmons Seat 5 Janet Gibert Seat 7 Angus Tobiason Seat 9 Don Kovacic Seat 11 Deborah "Debi" Jennings Seat 13 Fred T. Sproul Seat 15 Lisa "Chris" Anderson	8		19,000	200	\$195	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
RAMONA MUNICIPAL WATER Div. 1 Kit Kesinger Div. 3 Robert Krysak Div. 5 Chuck Phillips	3		2,500 4,300 4,800	200	\$115 \$125 \$125	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
RANCHO SANTA FE COMMUNITY SERVICES Jim Laret Doug Moul (Appt.)	2		4,500	200	\$125	NO
RANCHO SANTA FE FIRE PROTECTION James Ashcraft Nancy Hillgren (Appt.) Randall Malin (Appt.)	3		11,000	200	\$155	YES
RINCON DEL DIABLO MUNICIPAL WATER Div. 2 Willis G. Cornelius Div. 5 Diana Towne	2			200		YES
			7,700 9,500		\$140 \$150	
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
RINCON RANCH COMMUNITY SERVICES Alfred R. Barrett	1		90	200	\$105	NO
RIVERVIEW WATER Billie Sangster Patty Schwen	2		5,000	200	\$125	NO
SAN DIEGO RURAL FIRE PROTECTION Dale Amato Larry Baldwin Jesse J. Puckett	3		11,300	200	\$160	YES
SAN DIEGUITO COMMUNITY PLANNING Seat 1 Nancy Reed Seat 3 Paul Marks Seat 5 Thomas R. Hickerson Seat 7 Bruce Liska Seat 9 Lillian Ritt Seat 11 Jack McGee Seat 13 Lois A. Jones Seat 15 Doug Dill	8		10,000	200	\$150	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
SAN LUIS REY MUNICIPAL WATER Div. 2 Victor Pankey Div. 4 Brian Fritz	2			200		NO
			4 7		\$105 \$105	
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
SAN MIGUEL CONSOLIDATED FIRE PROTECTION Caroline Braun Thomas R. Clark Christopher Heiserman Larry Jackman	4		56,000	200	\$380	NO
SANTA FE IRRIGATION Div. 1 Kenneth Dunford (Appt.) Div. 2 Robert Irvin *Div. 4 Michael Hogan (Appt.)	2	1	2,700 2,700 2,500	200	\$115 \$115 \$115	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					
SOUTH BAY IRRIGATION Div. 2 James F. Doud Div. 3 James C. Alkire (Appt.) *Div. 4 Richard A. Reynolds (Appt.) Div. 5 Margaret Welsh	3	1	9,000 11,200 11,600 10,000	200	\$145 \$160 \$160 \$150	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					
SPRING VALLEY COMMUNITY PLANNING Seat 1 Virginia March Seat 3 (Vacant) Seat 5 Scott Montgomery Seat 7 (Vacant) Seat 9 Joe Gerry Seat 11 Angelica Wallace Seat 13 Edward A. Woodruff Seat 15 (Vacant)	8		28,000	200	\$240	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
SWEETWATER COMMUNITY PLANNING Seat 1 Jo Holehouse Seat 3 Uwe Werner Seat 5 John Riess Seat 7 Georjean Jensen Seat 9 Betsey Lasswell Seat 11 Gale Burkey Seat 13 Muriel Watson Seat 15 Sheri Todus	8		7,600	200	\$140	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
TIA JUANA VALLEY COUNTY WATER Robert S. Egger Martha Alicia Navarrete	2		7,000	200	\$135	NO
TRI-CITY HEALTHCARE Darlene Garrahy Max Halfon Cyril F. Kellett Rosemarie V. Reno	4		145,000	200	\$825	YES

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
VALLE DE ORO COMMUNITY PLANNING Seat 1 Dan Hyatt Seat 3 Gerald Collier Seat 5 Randall S. Millar Seat 7 Larry Harpe Seat 9 Gloria M. Ripperger Seat 11 Dan Mitrovich Seat 13 Allison Henderson Seat 15 Clarice Manning	8		24,000	200	\$220	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
VALLECITOS WATER Div. 1 Stephen Kildoo (Appt.) Div. 4 Margaret E. Ferguson Div. 5 Raymond Cruz	3		6,500 9,200 6,700	200	\$135 \$150 \$135	YES
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
VALLEY CENTER COMMUNITY PLANNING Seat 1 Michael Morasco Seat 3 James Yerdon Seat 5 Carol Prime Seat 7 Don Martin Seat 9 Frank Shoemaker Seat 11 Richard Rudolf Seat 13 Sandy Smith Seat 15 Andy Washburn	8		10,000	200	\$150	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The eight candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
VALLEY CENTER FIRE PROTECTION Stan Johnson Patrick Garcia	2		8,500	200	\$145	NO
VALLEY CENTER MUNICIPAL WATER Div. 1 Robert A. Polito Div. 4 Charles W. Stone, Jr.	2		3,000 3,000	200	\$115 \$115	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
VALLEY CENTER PARKS AND RECREATION Ron Lamb John Scibilia	2		9,000	200	\$145	NO
VISTA FIRE PROTECTION Patricia Fellows Ronald Wootton Lance Vollmer	3		9,500	200	\$150	YES

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
VISTA IRRIGATION Div. 2 Robert R. Mendez Div. 4 Howard S. Williams Div. 5 Jo MacKenzie	3		7,200 11,600 9,500	200	\$140 \$160 \$150	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					
WHISPERING PALMS COMMUNITY SERVICES Phil Keep Katherine McHenry Henry O. Russell	3		1,700	200	\$110	NO
WYNOLA WATER Robert Gans Charles Woods (Appt.)	2		N/A (Landowners)	200	\$105	NO
	Comments: Candidates and voters must be landowners.					
YUIMA MUNICIPAL WATER *Div. 1 Douglas K. Anderson (Appt.) Div. 2 Michael Fitzsimmons Div. 3 John B. Lyttle Div. 5 Daniel B. Hutchings	3	1	50 125 200 100	200	\$105 \$105 \$105 \$105	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					

NOMINATION PROCESS

All candidates desiring to have their name placed on the ballot are required to complete the nomination process.

CHECK QUALIFICATIONS	It is the <u>candidate's responsibility</u> to be certain he/she meets the qualifications for holding a particular office.
CANDIDATE MUST BE A REGISTERED VOTER	No person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued. (In some districts, the candidate must be a landowner. See "Specific Qualifications.")
WHERE TO OBTAIN DOCUMENTS	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>COMMUNITY PLANNING AREAS SCHOOL DISTRICTS</p> <p>MUNICIPAL WATER DISTRICTS UNIFORM DISTRICTS (UDEL) (aka: SPECIAL DISTRICTS)</p> </div> <div style="width: 50%;"> <p>{ All documents are available ONLY from the Registrar of Voters Office.</p> <p>{ All documents are available from the Registrar of Voters Office; OR from the District Office.</p> </div> </div> <p>Only the official documents may be used. Candidates or their authorized representatives will be given instructions on the procedures to be followed at the time nomination papers are issued.</p>
NOMINATION PERIOD	<p>July 12 First day nomination documents may be issued.</p> <p>August 6 Last day to file (return) nomination documents. (Must be RECEIVED in the office of the Registrar of Voters by 5 p.m. A postmark is NOT acceptable.) (<i>E.C. Sec. 10510, 10603, B/S Policy I-1</i>)</p> <p>August 11 If the incumbent has failed to file by 5 p.m. August 6, any qualified person other than the person who was the incumbent on the 88th day (August 6) shall have until 5 p.m. on the 83rd day (August 11) before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected. (<i>E.C. Sec. 10516</i>)</p> <p>The extension DOES NOT apply to Community Planning Areas, or to a district where there is no incumbent eligible to file.</p>
FILING FEE	There is <u>no filing fee</u> required to become a candidate. However, there is a fee if a candidate chooses to submit an <u>optional</u> candidate's statement of qualifications. (For some districts, the governing body has determined that the district will pay these costs. A chart beginning on Page 17 (Schools) and Page 21 (Special Districts) lists the specific costs for each district.
APPLY EARLY	It is advisable for candidates to obtain nomination papers early during the filing period and to file them well in advance of the filing deadline so that any potential problems may be corrected within the deadlines.
AUTHORIZATION FOR CANDIDATE'S REPRESENTATIVE	<p>A candidate may give written authorization for nomination papers to be issued to a representative. The authorization must show:</p> <ul style="list-style-type: none"> ◆ the name of the representative(s), ◆ the candidate's name, ◆ residence address, phone number, ◆ the office sought, including the Division, Seat Number, or Trustee Area, (if applicable), and Full or Short Term (if applicable), ◆ language indicating that the candidate is aware that the nomination documents must be completed and filed no later than August 6, and ◆ the candidate's signature. <p>The Registrar of Voters has prepared an "Authorization" form, which is available upon request, but any reasonable facsimile will be accepted. The candidate must then personally sign the required nomination papers, either at the Registrar of Voters Office or before a notary public. A representative is not authorized to sign nomination papers.</p>

DOCUMENTS ISSUED

DECLARATION OF CANDIDACY	<p>The document on which the candidate:</p> <ol style="list-style-type: none"> 1. Declares himself/herself a candidate for a particular office, 2. Provides his/her name and occupational designation as to appear on the ballot, 3. Provides his/her current residence address and phone number, and 4. States he/she is qualified and will accept the office, if elected. <p>(E.C. Sec. 10511)</p>
CODE OF FAIR CAMPAIGN PRACTICES	<p>A <u>voluntary</u> document a candidate may sign and file with the Registrar of Voters. As stated in Elections Code Sec. 20400, "The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions". An explanation and a copy of this document are on the following two pages.</p>
FINANCIAL FORMS	<p>Please follow instructions given in the manuals and forms provided by the Campaign Financial Disclosure Section of the Registrar of Voters Office.</p>
CANDIDATE'S STATEMENT OF QUALIFICATIONS	<p>The document on which a candidate for a local, nonpartisan office may write a statement to be mailed to the voters. The statement will be included in the San Diego County Sample Ballot/Voter Information Pamphlet. The statement for <i>most</i> districts is limited to 200 words. A chart beginning on Page 17 (Schools) and Page 21 (Special Districts) lists the specific costs and word count allowed for each district.</p> <p>(E.C. Sec. 13307)</p>

***CODE OF FAIR CAMPAIGN PRACTICES**

Candidate's Name: _____

Office Title: _____

Election Date: _____

Elections Code Sec. 20440. There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date: _____

Candidate's Signature

*This form is **voluntary**. If you choose to file this, please read both sides carefully before signing.

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

as found in Chapter 5 of Division 20 of the California Elections Code

Chapter 5. Fair Campaign Practices

Article 1. General Intent

20400. Intent of legislature.

The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

Article 2. Definitions¹

20420. Definition of "Code".

As used in this chapter, "Code" means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

20440. Subscription to code; form.

At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee. The text of the code shall read, as follows: (SEE REVERSE SIDE.)

20441. Supply of forms.

The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. Retention of forms; public inspection.

The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Public Record

Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. Voluntary.

In no event shall a candidate for public office be required to subscribe to or endorse the code.

¹304.

"Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type general, public, political advertising.

305.

"Candidate for public office" means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

INDEPENDENT CANDIDATES

(Elections Code Section 8300, et. seq.)

The California primary elections include a partisan primary election at which each of the qualified political parties (Democratic, Republican, American Independent, Green, Libertarian, Natural Law, and Peace and Freedom) nominate their party's candidate for the November general election. Thus, the party nominating process contains no provision for members of nonqualified parties or nonpartisan candidates to participate in the primary nomination process.

The Independent Nomination provisions of the California Elections Code provide a method for the nomination of nonpartisan candidates to partisan public offices. There is no limitation to the number of independent candidates who can be nominated and placed on the ballot at the GENERAL ELECTION, provided each meets the legal requirements.

Candidates may run as an Independent candidate for the following partisan offices:

President of the United States
United States Senate
Representative in Congress
State Senate
State Assembly

QUALIFICATIONS	To be an independent candidate at the General Election, the potential candidate <u>CANNOT</u> : 1. Have filed as a partisan candidate at the Primary Election and have been defeated for the party’s nomination at that Primary Election; and, 2. Have been registered to vote in California since October 2, 2003, as being affiliated with a qualified political party. These qualifications do not apply to President of the United States.	
DECLARATION OF INTENTION	October 27 to November 5, 2003 Independent candidates for State Senate and State Assembly are required to file Declarations of Intention at the same time candidates for party nominations must file their Declarations of Intention. (E.C. Sec. 8350)	
FILING FEE	Please see the next page for the fee for each office.	
NUMBER OF NOMINATING SIGNATURES	Nomination papers for an office shall be signed by at least 1% or 3% (depending on the area) of the voters of the area as of October 21, 2002. (E.C. Sec. 8400) Please see the next page for the number required in each district.	
IMPORTANT DATES	Date	Event
	October 2, 2003	Candidate has not been registered to vote in California as being affiliated with a qualified political party.
	Sep. 26 to Nov. 5	Petitions in Lieu of Filing Fee (for State Senate and State Assembly)
	Oct. 27 to Nov. 5	Declaration of Intention (for State Senate and State Assembly)
	Nov. 6 to Nov. 10	Declaration of Intention - Extension for other than incumbent, if incumbent fails to file by November 5.
	Nov. 6 to Dec. 5	Supplemental Filing Period for Petitions in Lieu of Filing Fee (for State Senate and State Assembly)
	April 23 to July 22, 2004	Petitions in Lieu of Filing Fee (for U.S. Senate and Congress)
	June 7 to August 6	Declaration of Candidacy and Nomination Papers
	July 23 to August 6	Supplemental Filing Period for Petitions in Lieu of Filing Fee (for U.S. Senate and Congress)
	Please refer to the Election Calendar for other dates.	
New Term Begins: (Varies by Office) Length of Term: (Varies by Office)		

INDEPENDENT CANDIDATES (Continued)

Number of Signatures Required to Place a Candidate on
General Election Ballot on November 2, 2004.

OFFICE	*REGISTERED VOTERS	*REQUIRED SIGNATURES	FILING FEE
PRESIDENT OF THE UNITED STATES	(Ask the Secretary of State for details; 1-916-657-2166)		
UNITED STATES SENATOR	15,303,469	153,035	\$3,094.00
CONGRESS			\$1,547.00
49 th District	280,196	8,406	
50 th District	354,056	10,622	
51 st District	261,271	7,839	
52 nd District	353,998	10,620	
53 rd District	317,497	9,525	
STATE SENATE			\$990.00
39 th District	467,758	14,033	
STATE ASSEMBLY			\$990.00
66 th District	179,653	5,390	
73 rd District	205,198	6,156	
74 th District	220,443	6,614	
75 th District	235,074	7,053	
76 th District	238,928	7,168	
77 th District	229,096	6,873	
78 th District	215,039	6,452	
79 th District	154,401	4,633	

PETITION IN LIEU OF FILING FEE

INDEPENDENT CANDIDATES *(Elections Code Section 8106)*

PURPOSE	Signatures may be obtained on petitions (provided by the Registrar of Voters) to be counted toward payment of all, or any portion, of the filing fee. These in lieu of filing fee signatures may also be used as nominating signatures.
WHEN/WHERE AVAILABLE	Petition in lieu of filing fee forms may be obtained <u>only</u> from the Registrar of Voters Office, beginning Friday, April 23 . Office hours are Monday through Friday, 8 a.m. to 5 p.m., excluding holidays.
FILING PERIOD	U.S. Senate and Congress April 23 through July 22: Petition in lieu signatures and/or filing fee must be submitted at the time nomination papers <u>are obtained</u> . (The nomination period ends August 6; the in lieu signatures must be filed earlier to allow for the verification process.)
WHO CAN OBTAIN FORMS	The candidate, or his/her representative (with <u>written</u> authorization), must appear at the Registrar of Voters Office to obtain the forms. The forms will not be mailed.
QUANTITY ISSUED	The forms (available at no charge) will have space for the number of signatures needed to pay the full filing fee. If more forms are desired, a "master form" will be provided. Additional copies must be duplicated two-sided and printed at the candidate's expense.
WHO CAN CIRCULATE	A circulator must be a registered voter in the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he/she resides. Any number of qualified people may circulate petitions for a candidate. However, each form can have only one circulator, as the person must sign that he/she witnessed all signatures on the form. A candidate may circulate his/her own petition in lieu of filing fee.
PETITION SIGNERS	Any registered voter may sign a petition for any candidate for whom he/she is eligible to vote (same district or political subdivision). Each signer of the petition must write his/her signature and shall include his/her printed name and place of residence (number, street, city) in the presence of the circulator. All signers of the same section of a petition must be registered in one county. Different sections must be used in each county where the petitions are circulated and then filed with the Registrar of Voters/County Clerk in the affected county. A circulator may also be a signer on the petition he/she is circulating, if otherwise qualified. No petition or paper may be signed within 100 feet of any election booth or polling place.
GENERAL INFORMATION	Candidates are encouraged to pay the filing fee by check , in addition to submitting the petitions in lieu, at the required time. The money will be put into a Trust Account and, after the close of the nomination period, candidates will receive a refund for all valid signatures (up to the number required). The initial petitions must be filed all at one time . (More than the minimum number required should be submitted as some may be invalid.) The Registrar of Voters has 10 days in which to verify the signatures and notify the candidate. Signatures on a petition in lieu shall be counted toward the number of voters required to sign nomination papers.
<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">All independent candidates must file a Declaration of Candidacy between June 7 and August 6.</p>	

BALLOT DESIGNATION

CANDIDATE'S NAME

The candidate's name as provided by the candidate on the Declaration of Candidacy is the way it will appear on the ballot. It **CANNOT** be changed after the nomination period has ended.

A CANDIDATE <u>MAY</u>:	<ul style="list-style-type: none"> ◆ Use a nickname, provided the given name or initials are shown. ◆ Use only the initials of the given name with the last name. ◆ Omit the middle name. ◆ Use a shortened familiar form of the given name. <p>EXAMPLES: Bill for William, Dick for Richard, Pat for Patricia, Terry for Theresa, etc.</p>
A CANDIDATE <u>MAY NOT</u>:	<ul style="list-style-type: none"> ◆ Use titles such as "Miss," "Mrs.," "Dr.," "Col.," "Rev." No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after a candidate's name. (<i>E.C. Sec. 13106</i>) ◆ Change his/her name within one year prior to the election. If the candidate has changed his/her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by decree of any court of competent jurisdiction. (<i>E.C. Sec. 13104</i>)

ORDER OF NAMES ON THE BALLOT

WHEN DETERMINED	<p>On August 12 the Secretary of State will conduct a random drawing of the alphabet and Registrars of Voters/County Clerks throughout the state will follow this same alphabet. Names of candidates will be arranged on the ballot in accordance with the random alphabet. (<i>E.C. Sec. 13112</i>)</p> <p>Exception: If the office is that of State Senator or Member of the Assembly and the district includes more than one county, the Registrar of Voters in each county shall conduct a drawing of the alphabet. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county. (<i>E.C. Sec. 13111</i>)</p> <p>In San Diego County, this will affect the 66th and 73rd Assembly Districts.</p> <p>Those interested in observing the local random drawing are invited to the Registrar of Voters Office: Thursday, August 12 at 11:00 a.m.</p>		
BALLOT ROTATION	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ◆ President of the United States ◆ United States Senate </td><td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ◆ Congress ◆ Superior Court Judges </td></tr> </table> <p>Rotated names will appear in the random order in the lowest numbered Assembly District in which the office appears; thereafter, for each succeeding Assembly District, the name appearing first in the last preceding Assembly District shall be placed last, the order of the other names remaining unchanged. (<i>E.C. Sec. 13111</i>)</p> <ul style="list-style-type: none"> ◆ The office of San Diego Mayor will rotate by City Council District. ◆ The order of candidates' names for all other offices will not change. 	<ul style="list-style-type: none"> ◆ President of the United States ◆ United States Senate 	<ul style="list-style-type: none"> ◆ Congress ◆ Superior Court Judges
<ul style="list-style-type: none"> ◆ President of the United States ◆ United States Senate 	<ul style="list-style-type: none"> ◆ Congress ◆ Superior Court Judges 		

CANDIDATE'S BALLOT DESIGNATION

The state guidelines on the following pages were prepared by the California Secretary of State and will be enforced for local offices.

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS

Section 13106.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

Section 13107.

- (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:
- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
 - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
 - (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education **Code** or Section 7228, 7423, 7673, 10229, or 10515 of this **code**.
- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
- (1) It would mislead the voter.
 - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
 - (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
 - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
 - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
 - (6) It uses a word or words referring to a racial, religious, or ethnic group.
 - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.
- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
 - (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the **elections** official as specified in subdivision (c) or as provided in subdivision (e).
- (e) The designation shall remain the same for all purposes of both primary and general **elections**, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.
- (f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the **elections** official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.
- (g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS (Continued)

NEW – “Community Volunteer” now acceptable

Section 13107.5

- (a) A candidate's ballot designation as “community volunteer” shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
 - (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
 - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
 - (3) A candidate may not use the designation of “community volunteer” in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

The following state guidelines will also be enforced for local offices.

SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS

§20710. General Provisions.

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code § 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code § 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code § 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code § 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word “should” is used in this Chapter, it is recommended, not mandatory.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20711. Ballot Designation Worksheet.

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code § 13107, the candidate may submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.
- (c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:

BALLOT DESIGNATION REGULATIONS (Continued)

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) At the option of the candidate, the candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate should indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.
- (d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20712. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1), shall be subject to the following provisions:

- (a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (b) In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1).

BALLOT DESIGNATION REGULATIONS (Continued)

- (d) Proposed ballot designations indicating a position of legislative leadership, such as “Majority Leader of the California Senate,” “Minority Leader of the California State Assembly,” “Speaker of the California State Assembly,” “President Pro Tempore of the California State Senate,” and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, be considered under the provisions of § 13107(a)(3).
- (e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code § 13107, subdivision (a)(1).

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20713. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(2), is limited “incumbent,” as that term is defined in Elections Code § 13107, subdivision (a)(2).
- (b) The term “incumbent” must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code § 13107, subdivision (a)(2), shall be entitled to use the ballot designation “Incumbent.”
- (c) The word “incumbent” is strictly limited for use in ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20714. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(3), shall be subject to the following provisions:

- (a) The terms “profession,” “vocation,” or “occupation,” as those terms are used in Elections Code § 13107, subdivision (a)(3), are defined as follows:
 - (1) “Profession” means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a “profession,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “attorney,” “physician,” “accountant,” “architect,” and “teacher.”
 - (2) “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a “vocation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” “plumber,” “electrician,” and “cabinetmaker.”
 - (3) “Occupation” means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an “occupation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “rancher,” “restaurateur,” “retail salesperson,” “manual laborer,” “construction worker,” “computer manufacturing executive,” “military pilot,” “secretary,” and “police officer.”

BALLOT DESIGNATION REGULATIONS (Continued)

- (b) "Principal," as that term is used in Elections Code § 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.
- (1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.
 - (2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination document, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.
- (c) In order for a ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations included in this Chapter.
- (d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.
- (e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:
- (1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code § 13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.
 - (2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.
 - (3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."
- (f) Pursuant to Elections Code § 13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three word limitation:
- (1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.
 - (2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.

BALLOT DESIGNATION REGULATIONS (Continued)

- (3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code § 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.

- (4) An acronym shall be counted as one word.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20715. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(4).

- (a) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(4).

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20716. Unacceptable Ballot Designations.

- (a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with, or is otherwise inappropriate pursuant to, Elections Code § 13107, subdivision (a); is prohibited pursuant to Elections Code § 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.
- (b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):
- (1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.
 - (2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
 - (3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.
- (c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.

BALLOT DESIGNATION REGULATIONS (Continued)

- (d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.
- (e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.
- (f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."
- (g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."
- (h) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":
 - (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
 - (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
 - (3) The candidate has reached at least the age of 55 years;
 - (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
 - (5) If the candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
 - (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
 - (7) The candidate's retirement benefits are providing him or her with a principal source of income.
- (i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.
- (j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.
 - (1) The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.
 - (2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)
- (k) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

BALLOT DESIGNATION REGULATIONS (Continued)

§20717. Requests for Supporting Documentation.

In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to § 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

- (a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a summary, final decision on the candidate's proposed ballot designation.
- (b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.
- (c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code § 13107 of this Chapter.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20718. Communication of Decisions Regarding Ballot Designations.

- (a) An official copy of the decision of the Secretary of State regarding a candidate's ballot designation will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.
- (b) At the request of the candidate, the Secretary of State will transmit an unofficial copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate's Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate's request, an unofficial copy of the decision by means of overnight express delivery to the address listed on the candidate's Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation Worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.
- (c) All written decisions of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20719. Service of Legal Process Regarding Ballot Designations.

- (a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, Legal Affairs Unit, Executive Office of the Secretary, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State in the Legal Affairs Unit to accept service of process on behalf of the Secretary of State.
- (b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at 916-653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.
- (c) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

NOTE: Authority cited: Section 12172.5, Government Code.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES

(Elections Code Section 13307 Excerpts)

FILING PERIOD	The statement shall be filed in the Registrar of Voters Office when nomination documents are returned for filing.
WHERE	Registrar of Voters Office 5201 Ruffin Road, Suite I San Diego, CA 92123
CONTENTS	The statement may contain the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate. (Some districts have increased the statement to 250 or 400 words; please see the requirements for each office in a separate section of this guide.)
EXAMINATION PERIOD	During the 10-calendar-day examination period following the deadline for submission of the statement any voter of the jurisdiction, or the Registrar of Voters, may seek a writ of mandate or an injunction requiring any or all of the material to be amended or deleted.
LIABILITY	Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information Pamphlet.
FORMAT	<p>Candidates are required to TYPE their statement SINGLE SPACED in BLOCK PARAGRAPHS on a form provided by the Registrar of Voters. The following WILL NOT be permitted:</p> <ul style="list-style-type: none"> ◆ Handwritten statement ◆ Copy from a fax machine ◆ Extra exclamation points ◆ Stars, bullets, graphics ◆ Italics <p>Please see the page following these "Guidelines" for an example of an acceptable format. STATEMENTS WILL BE TYPESET EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The Registrar of Voters is authorized to make corrections only to the format of the statement.</p> <p>If the Registrar of Voter's form is not used, the statement must be typed, SINGLE SPACED in BLOCK PARAGRAPHS on plain white paper (8 ½" x 11") with MARGINS (both LEFT and RIGHT) of NO LESS than ½ inch. A fixed pitch font such as COURIER is recommended.</p> <p>The California Elections Code intends uniformity of appearance of the candidates' statements. By preparing a candidate statement in accordance with the above guidelines, each statement will be uniformly printed and allowed the same amount of space in the Voter Information Pamphlet. This avoids favored composition or printing of one candidate's statement over another.</p> <p>The statement will be printed in 8-point type in the Voter Information Pamphlet. Only the candidate's name, age and occupation will be printed in 10-point type.</p>
RESTRICTIONS	The candidate's statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Candidate's photographs are not permitted.

NOTICE

All candidates are encouraged to read a recent court opinion starting on Page 51 (Dean vs Superior Court of Orange County) regarding restrictions of content in the Candidate's Statement of Qualifications, along with the County Counsel opinion regarding possible financial liability if a lawsuit is filed.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES (CONTINUED)

WITHDRAWAL	The statement may be withdrawn, but not changed, until 5 p.m. of the next business day after the close of the nomination period.
CONFIDENTIAL	The candidates' statements shall remain confidential until the close of the nomination period. (<i>E.C. Sec. 13311</i>)
SUPERIOR COURT	Any candidate's statement submitted pursuant to Section 13307 by a candidate for Superior Court shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. The Registrar of Voters shall not cause to be printed or circulated any statement which the clerk determines is not so limited or which includes any such references. (<i>E.C. Sec. 13308</i>)
OTHER LANGUAGES	All candidates' statements (and other sample ballot text) are translated into Spanish, and, where applicable, Tagalog. This information is then provided to requestors in a generic (not by ballot type) pamphlet. These pamphlets are mailed, in addition to English sample ballot pamphlets, to voters who request Spanish and Tagalog language election materials. This is in compliance with the Federal Voting Rights Act Extension of 2002. Spanish sample ballot pamphlets also available at every polling place. Tagalog sample ballot pamphlets are available in targeted areas of the county.
COST	<p>Candidates' statements are paid for at the time they are filed. The cost is shown on the individual page for each office. All money is held in a Trust Fund and if, for any reason, the statement is not printed, the money will be refunded.</p> <p>The cost is calculated to recover expenses for translation, typesetting, printing, addressing, and mailing of the candidate statement portion sample ballot pamphlets.</p>
WORD COUNT	<p>The following shall apply to the counting of words:</p> <ol style="list-style-type: none"> 1. Punctuation is not counted. 2. Each word shall be counted as one word except as specified in this section. 3. All geographical names shall be considered as one word; for example, "County of San Diego" shall be counted as one word. 4. Each abbreviation for a word, phrase, or expression shall be counted as one word. 5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. 6. Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word. 7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word. 8. Telephone numbers shall be counted as one word. 9. Internet web site addresses shall be counted as one word. <p>This section shall not apply to counting words for ballot designations under Elections Code Section 13107. (<i>E.C. Sec. 9</i>)</p>

EXAMPLE OF AN ACCEPTABLE FORMAT FOR A CANDIDATE'S STATEMENT OF QUALIFICATIONS

JURISDICTION NAME IN CAPITAL LETTERS
Division/District No. in Upper & Lower Case

PAT DOE
Fortune Teller/Comedian

Age: ##
(Optional)

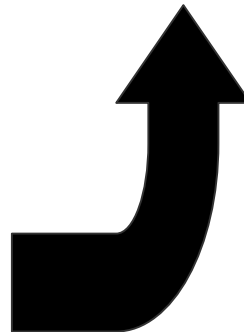
FORMAT/CONTENT: This is an example of an acceptable format to be used in a candidate's statement of qualifications. The guidelines for the content of the statement are in a separate section of the Candidate Filing Guide.

HIGHLIGHTS: It is acceptable for some words or phrases to be **bold** or underlined or **bold and underlined**. Some words may also be in ALL CAPITAL LETTERS or in ANY COMBINATION. The beginning of each paragraph may also be highlighted as shown in this example.

PARAGRAPHS: The candidate statement is printed in "block" paragraphs, which means each paragraph will start on the left and the right margins will be justified (as shown in this example). A double space will appear between paragraphs. Special indentations are not allowed. If a list is to be printed (clubs, accomplishments, goals, etc.), it will appear as shown in the following paragraph (with "dots" separating the items).

I belong to the following organizations: PTA . . . Chamber of Commerce . . . Zoological Society . . . Bridge Club. If elected, I will: 1) lower taxes; 2) increase services; 3) cure the common cold; 4) be your servant. If a list is provided in an unacceptable format, the Registrar of Voters staff will make modifications so it conforms to these rules.

IMPORTANT!
Please Read



STATE SENATE AND STATE ASSEMBLY CANDIDATES' STATEMENTS OF QUALIFICATIONS

Candidates for State Senate and State Assembly are allowed to submit a **250-word** Candidate's Statement of Qualifications for inclusion in the sample ballot pamphlet, IF the provisions of Proposition 34 are met. The candidate must agree to:

1. Voluntary spending limits and indicate by checking the appropriate box on Form 501
2. Format guidelines and other criteria shown in a separate section of this guide.
3. Submit the statement no later than August 6, 2004
4. File the statement with the Registrar of Voters of each county in which the jurisdiction appears. (The statement is not required to be printed in each county.) Format and payment may vary by county. Please contact each county for guidelines and costs:

Jurisdiction	County	Contact Information
66 th Assembly	Riverside	909-486-7210
73 rd Assembly	Orange	714-567-7563

5. The cost for San Diego County is determined as follows: \$100 set-up fee, plus \$5.00 per 1,000 registered voters of all parties within the candidate's jurisdiction. The cost is significantly greater than the Primary Election when the number of voters within just the candidate's party were used to determine the cost. The cost is shown below:

DISTRICT	REGISTERED VOTERS	COST
39 th Senate	450,000	\$2,350
66 th Assembly	42,000	310
73 rd Assembly	76,000	480
74 th Assembly	223,000	1,215
75 th Assembly	237,000	1,285
76 th Assembly	231,000	1,255
77 th Assembly	222,000	1,210
78 th Assembly	210,000	1,150
79 th Assembly	145,000	825

CANDIDATE STATEMENTS LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

Court Decision Prohibits Any Reference to Opponents

All prospective candidates should be aware of the Court of Appeals ruling in the recent court case of Dean v. Superior Court. The 1998 decision analyzed California Elections Code section 13307, the statute governing the content of a candidate's statement for local office. The Court of Appeals concluded that the statement prepared by a candidate for inclusion in a voter's pamphlet may include comments on one's own qualifications, but may not include comments on one's opponents' qualifications, or lack thereof. A copy of the Dean decision has been reprinted in its entirety in this Guide for the convenience of prospective candidates.

**"THE DEAN DECISION IS CLEAR . . .
CANDIDATES ARE NOT TO REFER TO THEIR OPPONENTS
IN ANY MANNER IN THE CANDIDATE'S STATEMENT."**

The Dean decision is clear - candidates are not to refer to their opponents in any manner in the candidate's statement. All candidates should confine their voter pamphlet statement to a listing of their particular qualifications and pertinent biographical information.

Importantly, persons seeking office that use the candidate's statement as a forum for attacking an opponent are subject to legal action by the opponent. The opponent can request that the court strike all improper content in a candidate's statement. **If successful in this effort, the candidate can request and the court can order the losing candidate to pay the attorney's fees and costs incurred by the opponent in challenging the candidate's non-conforming statement.** Accordingly, it is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Elections Code section 13307.

Prospective candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with Elections Code section 13307 and other pertinent provisions of the California Elections Code. The Registrar of Voters and its employees and agents do not have the legal authority to reject or modify candidate statements containing improper content. Challenges to written material in a voter's pamphlet are governed by Elections Code section 13313, which authorizes the courts to amend or delete false, misleading or inconsistent material.

***"The Registrar of Roters and its employees and agents
do not have the legal authority to reject or modify
candidate statements containing improper content."***

CERTIFIED FOR PUBLICATION

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT**

DIVISION THREE

JOHN F. DEAN, Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY, Respondent;

ROSALYN LEVER et al., Real Parties in Interest.

G023111

(Super. Ct. No. 791765)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, John C. Woolley, Judge. Writ issued.

Darryl R. Wold and Reed & Davidson for Petitioner.

No appearance for Respondent.

Mark S. Rosen for Real Party in Interest Darrell Opp.

No appearance for Real Party in Interest Rosalyn Lever.

* * *

Petitioner, a candidate for local office, seeks extraordinary writ relief mandating the Registrar of Voters delete part of an opponent's candidate statement as an impermissible personal attack on petitioner. We issue relief and conclude the superior court erred in not ordering the deletion.

Darrell Opp seeks to unseat the incumbent petitioner, John Dean, as county superintendent of schools in the upcoming June 1998 election. Opp submitted a candidate statement to the Registrar of Voters which began with the following three paragraphs commenting on petitioner: "[¶] The incumbent, John Dean, is failing our schools, our children and the taxpayers. [¶] Under Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to gamble in the bankrupt Citron investment pool. Dean personally authorized this borrowing. He is one of the few remaining county officials who has not resigned or been removed from office for his role in this fiasco. [¶] Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County bureaucracy. Elected on a platform to cut the county budget, instead his budget has increased from \$64 Million to over \$105 Million."¹

Dean challenged Opp's candidate statement by seeking a writ of mandate in the superior court pursuant to Elections Code section 13313.² That section authorizes the court to mandate amendment or deletion of material in the voter's pamphlet which is "false, misleading, or inconsistent with the requirements of this chapter; . . ."

Dean sought relief on two grounds: (1) deletion of the first three paragraphs (quoted above) "because they consist entirely of material that is not permitted to be included in a candidate's statement" and (2) deletion of four false and misleading sentences in the second and third paragraphs of the statement. The trial court denied the request to delete the first three paragraphs in their entirety, but did direct amendments to the second and third paragraphs.³ The only issue presented here is whether the lower court erred in refusing to delete the first three paragraphs in their entirety.

Section 13307 delineates the contents of a candidate's statement for local office, as well as the procedures for inclusion of such a statement in the voter's pamphlet. In pertinent part, the statutes provides: "(a)(1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age

¹ The statement continues with a recitation of Opp's background, his platform for the County Department of Education, and a list of individuals who have endorsed his candidacy.

² All further references are to the Elections Code unless otherwise noted.

³ The court directed the second paragraph be amended to read: "During Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to invest in the risky Citron investment pool. Dean should have prevented this borrowing. He is one of the few remaining bankruptcy-era county officials who has not resigned or been removed from office." The court directed the third paragraph amended to read: "Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County Department of Education bureaucracy. Elected on a platform to cut the Department's budget, instead his budget has increased from \$64 Million to over \$105 Million."

and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

"[T]he interpretation and applicability of a statute is a question of law." (*City of Petaluma v. County of Sonoma* (1993) 12 Cal.App.4th 1239, 1244.) In reviewing petitioner's claim, we are guided by well settled rules of statutory interpretation. The most fundamental of these rules is that where the statute is clear, the "plain meaning" rule applies. The Legislature is presumed to have meant what it said, and the plain meaning of the language governs. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155.) "If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature" (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798.)

The language of section 13307 is unambiguous. "The statement may include the name, age and occupation of the candidate and a brief description . . . of the candidate's education and qualifications" As noted by the Supreme Court in *Clark v. Burleigh* (1992) 4 Cal.4th 474, "[t]he negative implication of this specific list, of course, is that the Legislature did not intend the statutory candidate's statement to contain any other material: *expressio unius est exclusio alterius*. (Citation omitted.)"⁴ (*Id.*, at p. 489, emphasis in original.)

Opp argues *Clark* is distinguishable because section 13308, which governs *judicial* elections, contains specific limitations prohibiting comments on another candidate's qualifications, character or activities. *Clark* first found the implied intent to limit the statement from the same words used in the statute we review here. The additional language specific to judicial elections demonstrates additional express intent. But express intent is unnecessary here under the maxim *expressio unius est exclusio alterius*. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391, fn. 13; see also *Lake v. Reed* (1997) 16 Cal.4th 448, 466-467.) Here, the statute expressly authorizes comment's on one's own qualifications, to the exclusion of comments on an opponent's qualifications.

We have received a reply from real party in interest Opp. Further proceedings would add nothing to our review. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.) The relevant law and facts are entirely clear. (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35.) Consequently, additional briefing and oral argument would serve no useful purpose. (*Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223.) Moreover, time is of the essence. (See Elec. Code, § 13314, subd. (a)(3).)

Let a peremptory writ of mandate issue directing the Registrar of Voters to delete the first three paragraphs of Opp's candidate statement from the voter's pamphlet and to print the Opp candidate statement in the voter's pamphlet without those three paragraphs. To prevent mootness and to prevent frustration of the relief granted, this court's decision shall be final upon filing of the opinion. (Cal. Rules of Court, rule 24(d).)

SILLS, P. J.

WE CONCUR:

WALLIN, J.

RYLAARSDAM, J.

⁴ *Clark* interpreted sections 10012 and 10012.1, the predecessors to sections 13307 and 13308. (See Stats. 1994, ch. 920, § 2.)

The following opinion interprets the term "qualifications" as used in a candidate's statement of qualification printed in the Voter Information Pamphlet.

Filed 12/9/99

**CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE**

BARRY HAMMOND, Plaintiff and Respondent, v. LARRY AGRAN, Defendant and Appellant.	G024266 (Super. Ct. No. 798469) O P I N I O N
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Appeal from an order of the Superior Court of Orange County, John C. Woolley, Judge. Reversed and remanded with directions.

Kenneth D. Agran and Jan Rainbird for Defendant and Appellant.

Megan L. Wagner, and Barry Hammond in pro per, for Plaintiff and Respondent.

* * *

The narrow issue on which this case turns is the scope of the word "qualifications" as used in the Elections Code statute governing the content of candidates' statements in voters' pamphlets. (See Elec. Code, § 13307, formerly Elec. Code, § 10012.) It is now established that the word does not encompass attacks on one's opponents. (See *Clark v. Burleigh* (1992) 4 Cal.4th 474, 488-489.) But does it encompass a candidate's *ideas* or *platform*?

The answer is yes: The Legislature envisioned that a candidate's ideas and views (as distinct from attacks on opponents) could fairly constitute "qualifications" within the meaning of the statute. Indeed, common sense would lead to no other conclusion. It is hard to imagine, for example -- if the candidate's statement had been around in the Presidential Election of 1860 -- that Abraham Lincoln's opinions about the expansion of slavery into the territories somehow didn't qualify him to be President, but his work and background as a prominent railroad attorney (work for which in general Lincoln is *not* remembered) did.

FACTS

Larry Agran, formerly a Mayor and city council member of Irvine, ran again for the city council in the November 1998 General Election. In August 1998 he submitted a candidate's statement which consisted of five paragraphs, centered on the general themes of his role of leading the city council in drafting Irvine's general plan, his fidelity to that plan, and his opposition to a commercial airport at a nearby marine base. We reproduce the entirety of the statement in the margin.¹ Barry Hammond, a political opponent of Agran's, then filed a petition for writ of mandate, contending that the middle three

¹ Here is the statement:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as mayor.

"I led the Council in drafting Irvine's General Plan -- a blueprint for the future that clearly prohibited a commercial airport at El Toro. It also provided for safe and quiet neighborhoods, generous greenbelts, parks and recreation facilities, excellent schools, and thousands of acres of natural open space.

"As a former councilmember and attorney who specializes in public-interest law, I know this: We must stand together to defeat the County's airport and jail expansion plan. We must also replace it with the non-aviation Millennium Plan -- a plan for El Toro that includes a 1500-acre central park and nature habitat, surrounded by colleges, libraries, museums and cultural attractions, along with an extension of our world-class research community at the Irvine Spectrum.

"Irvine is once again at a crossroads: Will we fulfill the promises we've made to ourselves and to future generations? Or will we permit County officials to destroy our General Plan?

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

paragraphs of the statement contained "false, misleading and/or inconsistent information."² Hammond contended that Agran could not take credit for his role in the drafting of Irvine's general plan because he was not on the city council when its original general plan was enacted in 1973. He further argued that Elections Code section 13307, precluded his statement from expressing his views on the airport and jail, because they were "not related" to his qualifications.³

On August 25, the court held a hearing at which Agran himself testified. Hammond's counsel took the position that "ideas and point of view are not related" to candidates' "qualifications," saying that ideas could be used to attack another candidate or institution. The trial judge was not immediately persuaded, and asked, "If the qualifications aren't relevant to the voter's decision in casting their vote, what's the purpose of stating qualifications?"

Even so, after the hearing was concluded, the trial court ordered the middle paragraphs stricken in their entirety. The court indicated that it believed this court's decision in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, and the Supreme Court's decision in *Clark v. Burleigh, supra*, 4 Cal.4th 474, both excluded "campaign statements" or "campaign planks" from the purview of the word "qualifications" as used in Elections Code section 13307.⁴ However, the trial court did allow Agran to prepare an overnight revision of the statement, which it accepted the next morning. The main difference between the two statements is that the new statement narrowed Agran's role in the city's general plan and contained no direct statement of opposition *qua* opposition to a nearby jail or airport; rather, it merely implied Agran's present opposition to a commercial airport through the device of mentioning his past work with an organization designed to "defeat the proposed international airport at El Toro." We also reproduce that statement in the margin.⁵ Agran filed a timely appeal from the order.

² In the statement set out in footnote 1, the *second* paragraph (beginning with, "I led the Council in drafting . . .") was designated by the trial court as paragraph "1," the third paragraph (beginning with, "As a former councilmember . . .") as paragraph "2," and the fourth paragraph ("Irvine is once again . . .") was considered paragraph "3."

³ Elections Code section 13307, subdivision (a)(1) provides:

"Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

For a comprehensive statement of the operation of candidate's statements see *Clark v. Burleigh, supra*, 4 Cal.4th at pages 478 through 479.

All statutory references are to the Elections Code.

⁴ Here is the entirety of the trial court's comments after the matter was submitted:

"The court: Even though the definition proffered, that being a definition of 'qualifications' does have some appeal, it suffers from the same ambiguities that the word 'qualification' suffers. It's a bit like beauty. It's in the eye of the beholder.

"Certainly qualifications would go to skills and qualities. But what's relevant to the electorate in determining their vote creates another set of ambiguities.

"The court strikes paragraphs 1, 2, and 3 in their entirety. It is not the desire of this court to become the ultimate blue line editor of campaign statements.

"The court will entertain up to nine o'clock tomorrow morning a revision that comports with the holding in the Dean case.

"The court does so out of a position of equity because we're all trying to struggle with and work with what the appellate court really truly meant when they passed -- when they gave us the holding in Dean.

"You'll submit [speaking to Agran's attorney] a copy of the proposed new statement to Mr. Sheldon [Hammond's attorney] by not later than 5:00 a.m. You may fax it to him.

"Do you have a fax number?"

Then, after an inquiry from Agran's counsel for "a little bit of guidance, your honor," the court went on:

"I'm not saying everything in here is --

"Mr. Mears [Agran's counsel]: I understand.

"The court: I'm just saying I've chosen not to be the blue line editor.

"Mr. Mears: I understand. [¶] By way of a little bit of guidance, do I understand the court to say that the chief problem that it sees with paragraph 3 and paragraph 4 is that the court views --

The court: I only have them as 1, 2, and 3.

"Mr. Mears: 2 and 3.

"The court: And that's how we've referred to them in our record. I think they're pretty much sales puffing, if you will, campaign statements, campaign planks. They can be adequately addressed using the analysis which is in more detail in Burleigh, by the way, than it is in Dean as to what you can accomplish in other areas. [¶] Anything else?

"Mr. Mears: I don't think so, so your honor."

⁵ The revised statement read:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as Mayor.

"As Mayor, I led the Council in enacting the Conservation and Open Space Element of our General Plan, preserving thousands of acres of hillsides and canyons in their natural state, forever free of development.

"Since 1996, I've served as voluntary chairman of a non-profit citizens' organization working to defeat the proposed international airport at El Toro and replace it with the Millennium Plan -- a comprehensive non-aviation reuse plan.

"I am a Phi Beta Kappa graduate of the University of California, and an honors graduate of Harvard Law School. From 1970 to 1973, I was Legal Counsel to the State Senate Health and Welfare Committee.

DISCUSSION

The Word "Qualifications" In Section 13307 Includes A Candidate's Views on Public Issues

The Case is Not Moot

We may summarily dispense with a mootness contention made by Hammond based on the fact the election has already taken place.⁶ The matter is obviously, as it was in *Clark v. Burleigh*, *supra*, 4 Cal.4th 474, an example of the rule that cases are not moot when they present questions capable of repetition yet evading review. (Cf. *Clark*, *supra*, 4 Cal.4th at p. 481 [rejecting mootness argument because matter was of "general public interest and likely to recur"].) Hammond's argument in favor of mootness is that there is no public interest in the case because the statute "plainly" excludes a candidate's viewpoints. That reasoning is both circular and wrong in its premise. It is circular because it is predicated on the assumption that Hammond is necessarily correct on the merits (as we show below, he isn't), and it is wrong in its premise because it assumes that the question of whether a candidate's views may be included in a candidate's statement has already been definitively determined (as we show below, it hasn't).

Prior Cases Did Not Decide the Issue

While *Clark v. Burleigh*, *supra*, 4 Cal.4th 474 tells us what "qualifications" does not include -- it does not include attacking one's opponents -- the case does not directly deal with the question of what *is* a qualification within the meaning of the statute. *Clark* involved a candidate's statement in a judicial election in which a municipal court judge running for superior court made direct negative references, by name, to the incumbent. The trial court excised the statement. Most of the *Clark* opinion is devoted to a thorough discussion of the *constitutionality* of the removal; the focus is the question of exactly what kind of "forum," for purposes of *constitutional* analysis, a candidate's statements is. (See *Clark*, *supra*, 4 Cal.4th at pp. 482-488.) Only in passing on that issue does it deal with the meaning of the statute.

What the high court did say about the meaning of the statute is mostly set forth in one paragraph spanning pages 488 to 489 in the official reporter. After previously concluding that candidates' statements fall into the last of three possible categories (i.e., not the "traditional public forum" or a "designated public forum," but a "remaining" catch-all category (see *id.* at pp. 482-483)), the opinion tackles the question of "whether the Legislature, by creating the statutory 'candidate's statement,' intentionally opened a public forum that candidates for local judicial office may use for the purpose of attacking their opponents." (*Id.* at p. 488.) Answer: no. Because the statute "specifically lists the permissible contents" of the candidate's statement, the "negative implication of this specific list," said the *Clark* court, was that "the Legislature did not intend the statutory candidate's statement to contain any other material." It cited the venerable rule of linguistic construction, *expressio unius est exclusio alterius* -- i.e., having expressed the one thing, you must have meant to exclude what you left out. Then the court added that "[m]ore important" than this "implication" from linguistics was the "express" prohibition in another statute against candidates for *judicial* office from discussing "another candidate's qualifications, character, or activities." (See *id.* at p. 489, citing former Elections Code section 10012.1 (now Elections Code section 13308).)

The other part of the *Clark* opinion where the court touches on the meaning of the statute is toward the end, where the court is concerned with the reasonableness of the statute construed so as to preclude attacks on one's opponents. (See *id.* at pp. 493-494.) Pointing out that local elections are "normally low-profile events" and candidates frequently do not have the "means" of informing the voters of their qualifications, the *Clark* court observed that the Legislature "created" the candidate's statement "[t]o help fill this informational void." (*Id.* at p. 493.) "From its terms and conditions," said the court, "we may reasonably infer that its primary purpose is to give the voters at least a minimal amount -- 200 words' worth -- of basic information about the background and qualifications of little-known candidates." (*Ibid.*) The court then went on to explain that, in light of the basic purpose of the statute (i.e., filling informational voids), there were three reasons the Legislature would not have wanted the statement to be used "as a partisan campaign device to attack" opponents. One, to prevent *confusion* caused by a "mixed" message; two, to prevent *displacement* of factual information about the candidate himself or herself given the limited amount of space available (200 words normally, at most 400 words); and three, to prevent *misuse* of the device by blindsiding an opponent who would not have time to answer the attack. (*Ibid.*)

Finally, on the next page and in the context of again explaining the constitutional adequacy of the statute as construed, the *Clark* court suggested that even "attacks on opposing candidates" are not necessarily "wholly incompatible with the purposes of the statutory candidate's statement," but that the restriction was "at least reasonable" and the "governing decisions" of the federal Supreme Court required "no more" of the statute. (*Id.* at p. 494.)

I've taught legislation and public policy at the UCLA School of Law and the UCI School of Management. I've also authored a book about the need to control cancer-causing substances in the workplace and the environment. I've lived in Irvine with my family for over 20 years.

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

⁶ Agran won a seat on the Irvine City Council.

Though the *Clark* court did not remark on the fact, the trial court in that case had not stricken a portion of the candidate's statement which dealt with only the candidate's views, as distinct from statements disparaging his opponent. It left in this statement: "It's time to get *tough with criminals* . . . time to end court *interference* in community affairs." (Compare *id.* at p.

481, fn. 7 [what was stricken] with p. 497 [original statement].) While the *Clark* court did not discuss the question of candidate views *per se* in its opinion, it is at least noteworthy that the inclusion of the candidate's views in what was left of the statement was not so offensive that the high court felt compelled to reach out and comment on it adversely.

This court, in *Dean v. Superior Court*, *supra*, 62 Cal.App.4th 638, took *Clark*'s comments about attacking one's opponents and the statutory construction of the statute (i.e., the *expressio unius* language) and applied them to a *nonjudicial* race for county superintendent of schools. (See *Dean*, *supra*, 62 Cal.App.4th at pp. 641-642.) There we held that language attacking the incumbent should have been stricken as an "impermissible personal attack." (See *id.* at pp. 639, 641-642.) But that was *all* we held.

We did make a comment, in the introductory sentence to a paragraph in the opinion devoted to quoting the *expressio unius* passage from *Clark*, that "[t]he language of section 13307 is unambiguous," but that comment was in a *context* in which the issue was attacks on one's opponents, and we were taking our cue from what the Supreme Court had itself plainly said about the language of the statute in that precise context. *Dean* cannot be fairly read as saying that the word "qualifications" as used in Elections Code section 13307 unambiguously excludes candidate's viewpoints -- as we show in the next section, it doesn't do any such thing.⁷

One other case bears comment at this point, though it deals with an issue that was not before the court in either *Clark* or *Dean*: *Loza v. Panish* (1980) 102 Cal.App.3d 821. *Loza* was, until *Clark*, the only California decision dealing with the meaning of the candidate's statement statute. *Loza* held that a portion of the statute, requiring the clerk to reject certain kinds of scurrilous or inflammatory language,⁸ was unconstitutional. (See *Loza*, *supra*, 102 Cal.App.3d at p. 826.) While the statutory prohibition on certain kinds of scurrilous language dealt with in *Loza* was not at issue in *Clark*, the *Loza* opinion did discuss a significant -- and we think correct -- inference about the Legislature's intent about the construction of the word "qualifications," from the presence of the (now-unconstitutional) prohibition: namely, that "a candidate's statement may include information regarding his qualifications which *goes beyond mere personal data* respecting his name, age, occupation and education." (*Loza*, *supra*, 102 Cal.App.3d at p. 824, emphasis added.) We explain why that inference is correct below.

The Ordinary Meaning of the Word "Qualifications" Can Encompass a Person's Views

The word "qualifications" is not otherwise defined by the statute, and in the absence of specifically defined meaning, a court looks to the plain meaning of a word as understood by the ordinary person, which would typically be a dictionary definition. (See *Scott v. Continental Ins. Co.* (1996) 44 Cal.App.4th 24, 28-30 [and listing authorities using general dictionaries to ascertain "'ordinary' meaning of words used in a statute"].) The Oxford English Dictionary lists a number of definitions of the word "qualification," only one of which is the one which Hammond would have us restrict its meaning to, namely, an "accomplishment." (See 12 Oxford English Dict. (1989) at p. 971.) In connection with that which "qualifies or fits a person for some office or function," the dictionary lists both "quality," and "accomplishment" under the word (*ibid.*), indicating that something other than mere resume material can be a "qualification."

Thus it is not uncommon that, in the context of fitness for "office or function," there are occasions when the word necessarily encompasses viewpoints, ideas or ideology. One of the most common is in the context of the criminal law and the death penalty. In *People v. McPeters* (1992) 2 Cal.4th 1148, 1177, our Supreme Court wrote, "A juror is not *qualified* to serve in a capital case if his or her *views* about the death penalty would 'prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath.'"" (Emphasis added.) Other criminal decisions have also said that a person is disqualified from serving on a jury if he or she belongs to member of an ideologically or politically -- to the degree the words do not overlap -- oriented organization, such as the "know-nothing party," if such membership might reify itself as a prejudice against a particular defendant. (See *People v. Buyle* (1937) 22 Cal.App.2d 143, 146 [and cases mentioned therein].)

Likewise, when loyalty oaths were an issue in public employment and benefits law, the Supreme Court regularly confronted the question of whether a given loyalty oath (to wit, that the person was willing or swear that he or she had not, nor had ever been, a Communist) had, in a certain context, "a direct bearing on the qualification necessary for the employment or other benefit under consideration." (See *Wilson v. City of Los Angeles* (1960) 54 Cal.2d 61, 64.) Thus the Supreme Court in 1960 could acknowledge that there were times when there was a relationship between the "political affiliations and beliefs" of an

⁷ The trial judge in *Dean* was the trial judge in the present case. In light of the fact that *Dean* resulted in a peremptory writ being issued when he didn't strike the challenged language, it is understandable that he might have been inclined to overread *Dean* so as not to make the same error again -- and indeed, comments from the bench during the hearing reveal as much. (The court said in colloquy with Hammond's counsel: "This is the difficulty of this whole doggone area and the reason why I ruled the way I did when I ruled in the *Dean* case. But we lost that battle, sir. That battle is over with.")

⁸ The language was: "The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of sex, race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress." The language was deleted in 1983. (See Stats. 1983, ch. 882, § 1, pp. 3203-3204.) applicant and "the qualification of the applicant."⁹ (*Ibid.*; see also *In re Anastaplo* (1961) 366 U.S. 82, 90 [stating "it is of no constitutional significance whether the State's interrogation of an applicant on matters relevant to these qualifications -- in this case Communist party membership -- is prompted by information which it already has about him from other sources, or arises merely from a good faith belief in the need for exploratory or testing questioning of the applicant"].) In that era both Chief Justice Traynor and Justice McComb found occasion in dissenting opinions to implicitly or directly acknowledge that

there will be at least some occasions when *beliefs* constitute a "qualification." (See *Konigsberg v. State Bar* (1959) 52 Cal.2d 769, 776 (dis. opn. of Traynor, J.) ["a question as to present or past membership in [the Communist Party] is relevant to the issue of possible criminal advocacy and hence to the applicant's qualifications"]; *MacLeod v. Tribune Publishing Co.* (1959) 52 Cal.2d 536, 555 (dis. opn. of McComb, J.) ["the free press' foremost obligation is to advise the electorate of all the qualifications or disqualifications of each candidate for public office, which obviously includes his party affiliations, be they communist or otherwise"].)

Given the breadth of the word, it would be inconsistent with the plain meaning of the statute -- indeed, perhaps even somewhat elitist -- to confine the idea of "qualifications" for office to resume items like degrees and experience in a profession. No matter whether the candidate be a rabble-rouser on a soapbox who never finished high school, or the appellant in the case before us -- an honors graduate of Harvard Law School -- his or her *ideas* are often the most important "quality" in many voters' minds. One voter's "qualification" may be another voter's "disqualification." While most appellate and trial judges would, for example, consider a law degree to be a "qualification" for office, many voters might be decidedly disaffected by a candidate's law degree;¹⁰ then again, they might otherwise be persuaded by the candidate's opinion about whether to raise taxes to fund new educational programs. The filling of the "informational void" about candidates of which the *Clark* court wrote is better done with information about a candidate's ideas -- which, after all, provide at least some clue as to how he or she will act and vote while in office -- than with his or her resume.

The Legislature Impliedly Contemplated
That Qualifications Would Include More
Than Mere Resume Material

As originally enacted, the candidate's statement statute had a provision which required the clerk to strike scurrilous material which advocated or promoted hatred or hostility toward not only any given person, but toward any "group of persons by reason of sex, race, color, religion or manner of worship." (The language is quoted in full in footnote 8, above.) That language was declared unconstitutional in 1980 by the *Loza* decision, and by 1983 the Legislature removed it from the statute. One of the contentions in *Loza* was that the qualification language of the statute -- which was unaffected by the court's ruling -- "*confined*" (original emphasis) the candidate's statement to data "having solely to do with the candidate." (See *Loza, supra*, 102 Cal.App.3d at p. 824.) Accepting the "appellant's assertion there is no adequate legislative history associated with the statute in question which would itself provide the means for resolution of the parties' respective arguments on this point," the *Loza* court observed, in language we have also quoted above, that on the basis of "familiar" principles of statutory construction, the statement might indeed include information regarding a candidate's qualifications "which goes beyond mere personal data." (*Ibid.*)

It is inescapable that the Legislature, when it originally enacted the statute *with* a prohibition against attacks based on certain kinds of prejudice, was sufficiently worried that the candidate's statement was susceptible to such misuse that an express prohibition was needed against certain kinds of statements outside of mere resume material. But by the same token, the Legislature was also signaling that *other* kinds of statements also beyond mere resume material were contemplated under the statute. Of course, such statements would not extend to statements about one's opponent as distinct from one's own ideas or beliefs. As the *Clark* court intimated, you cannot claim as one of your own qualifications the fact your opponent is so bad.

⁹ Here is the relevant text of the court's discussion: "In instances in this state where court have sustained requirements that those seeking to obtain or seeking to retain public employment or other public benefits are required to subscribe to a so-called loyalty oath they have uniformly done so on the rationale that the state or municipality has a right to inquire into the applicant's qualifications, and that *loyalty has a direct bearing on the qualification necessary* for the employment or other benefit under consideration. [Citations.] But where there is no rational and substantial connection between the nature of the investigation into loyalty and the qualification of the applicant an inquiry which requires that he disclose his political affiliations and beliefs constitutes an unreasonable and capricious infringement on the freedoms protected by the Fourteenth and First Amendments of the federal Constitution and article I, section 9 of the California Constitution." (Emphasis added.)

¹⁰ Thomas Jefferson once lamented the fact that Congress was filled with lawyers. As he wrote in his autobiography, "If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?" (See *The Life and Selected Writings of Thomas Jefferson* (Random House, 1944) at p. 61.)

A Candidate's Views on the Issues
Does Not Constitute An "Attack" On An Opponent

Clark identified three grounds which made an exclusion of attacks on one's opponent reasonable in the context of a candidate's statement: prevention of confusion, displacement and misuse. None of these concerns, however, are implicated by a statement of candidate's own views at least where, as in the present case, the statement contains no direct criticism of another candidate.¹¹

First, one's views *qua* views, stated without reference to one's opponent are one's own; there is no possibility a voter will be confused.¹² Second, given the necessary brevity of the statement, the implication is that only the most important information should be given. It is untenable to argue that compatible opinions -- as distinct from resume items -- are not, in many voters' minds, the most important quality they look for in making an elective decision. For many voters, it is far more important to know whether you will raise taxes or increase regulations than it is to know what school you went to or what little league teams you coached. Third, there is no possibility of blindsiding an opponent, because a candidate is always in complete control of what his or her views are at any given time (though it is true that with some candidates it seems that their opinions vary by the hour).¹³

Hammond argues that Agran's original statements, by suggesting that "county officials" were in the process of pushing an unwanted airport on the residents of Irvine, somehow was an "attack" on those officials prohibited by *Clark*. The argument takes too restrictive a view of "views." Opposition to various general *institutional* figures and interests -- be they freemasons, "big business," the "power elite," "the international communist conspiracy," or "economic royalists" -- has always been a staple of American political life. It is one thing to say one is a stalwart anti-Communist, and that such a belief qualifies one for some office, quite another to allege that one's opponent is a secret colonel in the KGB. Being against slavery generally -- or even the plans of slave owners to expand the institution of slavery into new territories -- is not the same thing as trying to get elected on the fact that one's opponent once owned a slave. Fairly read, Agran's reference to the plans of county officials was not, in context, an attack on a political opponent, but a way of expressing his ideas about certain concrete land use proposals of extreme relevance to his potential constituents.

Hammond's additional argument that the portion of Agran's statement concerning his leadership of the city council in drafting the city's general plan was "misleading" is a makeweight: The remarks of the trial court show that it was concerned with the purview of the word "qualifications," not any factual inaccuracy in Agran's statement. In any event, the statement was not inaccurate. Because a general plan is a document where changes and amendments are, as Agran's counsel nicely phrases it, continually "integrated" into its text, the average reader would understand the words "general plan" to be the one currently in use, not a version from more than 20 years ago. And as for "leading" the city council, the fact is that Agran was the mayor of the city during much of his tenure on the city council. And if a mayor cannot be said to "lead" a city council, no one can.

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DISPOSITION

It was error for the trial judge to have stricken the challenged language from Larry Agran's candidate's statement. The order is reversed with directions to enter a new order declaring that the language should not have been stricken.

Finally, there is the matter of attorney fees for this appeal. Agran spends a large amount of his brief arguing for an award of attorney fees against Hammond (and only Hammond¹⁴) under the private attorney general statute (Code Civ. Proc., § 1021.5) in the event he prevailed (as he now has) on the merits of his appeal. For his part, Hammond has only offered token opposition to the attorney fee question in the event he lost (as he also now has) on the merits.

¹¹ Agran's statement that "[w]e must stand together to defeat the County's airport and jail expansion plan" straightforwardly sets forth his own views, and contains no comparison, even implied, of his opponents' views. A harder case, under *Clark*, would be a situation in which a candidate's statement of his or her views could not be read without an attack on an opponent -- e.g., "I am the only candidate in this election who opposes an airport at El Toro," or "I am the only candidate in this election who is opposed to Soviet expansionism; my opponents are all soft on Communism." Fortunately, in this case we need not map the exact perimeters, under *Clark*, of where an honest statement of one's views ends and an attack on one's opponent begins.

¹² Again, we do not tackle the somewhat harder case of statements of views used as a subterfuge for an attack on one's opponent.

¹³ Again, we limit our discussion to instances in which the statement of views does not refer to one's specific opponents. We are about to discuss comments about institutional interests.

¹⁴ At oral argument Agran's counsel disavowed any attempt to seek his fees from the Orange County Registrar, the City of Irvine, or otherwise from the fisc.

Whether attorney fees should ever be awarded for litigation arising out of challenges to candidates' statements is, however, a problematic matter indeed.¹⁵ No published decision of which we are aware has ever awarded attorney fees in such a context. And perhaps with good reason. The issue is fraught with grave implications beyond the narrow facts of this case, such as the interrelationship between any kind of public financing of elections and free speech.

Fortunately, the task is premature. The procedural posture of this case -- Hammond did, after all, *win* at the trial level -- virtually demands that the matter of whether Agran should be awarded any fees for this appeal (and if so, how much), be remanded to the trial court for consideration in the first instance. We have no record or briefing, for example, that even touches on how the "burden of private enforcement" (to borrow a phrase from section 1021.5 of the Code of Civil Procedure) will interact with the *statutory* right under Elections Code section 13313 (formerly Elections Code section 10013.5) to challenge candidates' statements. Nor do we have any record or briefing as to how the ability to challenge a candidate's statement under section 13313 in *combination* with the possibility of a fee award after the litigation is over might affect a candidate's First Amendment rights.

In short, given the extraordinarily complex and unbriefed questions inherent in Agran's request, the issue is not ripe. The matter is therefore remanded for further proceedings in light of this opinion.

SILLS, P. J.

WE CONCUR:

CROSBY, J.

BEDSWORTH, J.

¹⁵ Challenges to such statements are allowed by Elections Code section 13313, formerly Elections Code section 10013.5, for material that is "false, misleading, or inconsistent with the requirements" in the chapter of the Elections Code dealing with voter pamphlets.

RUN-OFF ELECTIONS

PURPOSE	Several candidates/offices are involved in run-off elections, after being successful in the Primary Election. Those involved are listed on the following pages.
PARTISAN CANDIDATES	Partisan candidates received their party's nomination in the Primary and then must face the nominees of the other parties in the November General Election.
NONPARTISAN CANDIDATES	<p>Nonpartisan candidates must receive a majority (over 50%) of the vote to win in the Primary Election or face the candidate with the next highest number of votes in the General Election.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> ♦ San Diego Community College and San Diego Unified School Districts These districts ALWAYS run-off in November. Only voters of the candidates' home district are eligible to vote in the Primary Election, with the top two candidates automatically entering a run-off in the General Election. Voters throughout the <u>entire</u> district then select the winner in the General Election. ♦ Incorporated Cities "General Law" cities NEVER conduct run-off elections. These races are decided by a plurality vote, which simply means the candidate with the most votes wins. There is no requirement that the winner receive a majority of votes cast. (Note: San Diego and Chula Vista are "Charter" cities and, therefore, their charters provide for different methods of election.)

CANDIDATES' STATEMENTS OF QUALIFICATIONS

DEADLINE AND COSTS	<p>A new statement and payment must be received no later than August 6, 2004. Any statements filed prior to the deadline will remain confidential until the morning of August 9. Statements are limited to no more than 200 words, unless otherwise indicated. There are strict guidelines concerning the format of the statements; please see a separate section of this guide. The costs are as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">OFFICE</th><th style="text-align: center;">COST</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">State Senate and State Assembly</td><td style="text-align: center;">See Page 50</td></tr> <tr> <td style="text-align: center;">Superior Court</td><td style="text-align: center;">\$6,550.00</td></tr> <tr> <td style="text-align: center;">San Diego Community College District</td><td style="text-align: center;">District pays</td></tr> <tr> <td style="text-align: center;">San Diego Unified School District</td><td style="text-align: center;">District pays</td></tr> </tbody> </table>	OFFICE	COST	State Senate and State Assembly	See Page 50	Superior Court	\$6,550.00	San Diego Community College District	District pays	San Diego Unified School District	District pays
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State Senate and State Assembly	See Page 50										
Superior Court	\$6,550.00										
San Diego Community College District	District pays										
San Diego Unified School District	District pays										
BALLOT DESIGNATIONS	<p>If a change in ballot designation (occupation) is desired, the written request must be received by the election official no later than July 27.</p> <p>Candidates for the following offices file an original request with the Secretary of State (and a copy to the Registrar of Voters):</p> <ul style="list-style-type: none"> ♦ United States Senate ♦ Congress ♦ State Senate and State Assembly <p>Candidates for the following offices file an original request with the Registrar of Voters:</p> <ul style="list-style-type: none"> ♦ Superior Court ♦ San Diego Community College District ♦ San Diego Unified School District 										

RUN-OFF ELECTIONS

PARTISAN OFFICES

UNITED STATES SENATOR		
BARBRA BOXER (D) BILL JONES (R)		MARSHA FEINLAND (P) JAMES P. "JIM" GRAY (L) DON J. GRUNDMANN (A)
UNITED STATES REPRESENTATIVE IN CONGRESS		
49th District	50th District	51st District
MIKE BYRON (D) DARRELL E. ISSA (R) LARS R. GROSSMITH (L)	FRANCINE P. BUSBY (D) RANDY "DUKE" CUNNINGHAM (R) DIANE TEMPLIN (A) GARY M. WAAYERS (G) BRANDON C. OSBORNE (L)	BOB FILNER (D) MICHAEL GIORGINO (R) MICHAEL S. METTI (L)
52nd District		53rd District
BRIAN S. KELIHER (D) DUNCAN HUNTER (R) MICHAEL BENOIT (L)		SUSAN A. DAVIS (D) DARIN HUNZEKER (R) LAWRENCE P. ROCKWOOD (G) ADAM VAN SUSTEREN (L)
MEMBER OF THE STATE SENATE		
39th District		
CHRISTINE KEHOE (D) LARRY STIRLING (R) JOHN MURPHY (L)		
MEMBER OF THE STATE ASSEMBLY		
66th District	73rd District	74th District
LAUREL NICHOLSON (D) RAY HAYNES (R) JACK N. LEE (L)	KATHLEEN CALZADA (D) MIMI WALTERS (R) ANDREW H. FAVOR (L)	KAREN R. UNDERWOOD (D) MARK WYLAND (R) PAUL KING (L)
75th District	76th District	77th District
KAREN HEUMANN (D) GEORGE A. PLESCIA (R) RICHARD J. SENEAL (L)	LORI SALDANA (D) TRICIA HUNTER (R) JENNIFER OSBORNE (L)	CHRIS LARKIN (D) JAY LA SUER (R) VIRGIL "RANDY" HALL II (L)
78th District		79th District
PATTY DAVIS (D) SHIRLEY HORTON (R) JOSH HALE (L)		JUAN VARGAS (D) ELI WALLACE CONROE (L)
THE FOLLOWING ABBREVIATIONS ARE USED AS THE "PARTY" CODES		
D Democratic	G Green	P Peace and Freedom
R Republican	L Libertarian	W Natural Law
A American Independent		

RUN-OFF ELECTIONS - NONPARTISAN OFFICES

SUPERIOR COURT – OFFICE NO. 24

JOSEPH P. BRANNIGAN

DAVE HENDREN

SAN DIEGO COMMUNITY COLLEGE DISTRICT

District B

JOHN CUBELLO
WILLIAM H. SCHWANDT

District D

MARTY BLOCK
KATE KELLY

SAN DIEGO UNIFIED SCHOOL DISTRICT

District A

MITZ S. LEE
MIYO ELLEN REFF

District D

LUIS ACLE
BENJAMIN HUESO

District E

SHELIA JACKSON
SHARON WHITEHURST-PAYNE

CITY OF CHULA VISTA

City Council - Seat No. 4

STEVEN CASTANEDA

DAN HOM

CITY OF SAN DIEGO

Mayor

DICK MURPHY
RON ROBERTS

City Attorney

MICHAEL J. AGUIRRE
LESLIE DEVANEY

City Council – 1st District

SCOTT PETERS
PHIL THALHEIMER

WRITE-IN CANDIDATES

(Elections Code Section 8600, et. seq.)

FILING REQUIREMENTS	<p>Every person who desires to be a write-in candidate and have his/her name counted for a particular office shall file:</p> <ol style="list-style-type: none"> 1. A statement of write-in candidacy which contains the following: <ul style="list-style-type: none"> ◆ Candidate's name ◆ Residence Address ◆ Declaration stating he/she is a write-in candidate ◆ Title of office sought ◆ Election date ◆ Party nomination sought (if for a partisan primary election) (<i>E.C. Sec. 8600</i>) <p>In addition, candidates for San Diego Unified School District must also include:</p> <ul style="list-style-type: none"> ◆ Date and place of birth ◆ Occupation ◆ Past residences for a period of four years <ol style="list-style-type: none"> 2. A signed Oath or Affirmation of Allegiance (<i>E.C. Sec. 200; Cal. Constitution Art. XX, Sec. 3</i>) 3. The requisite number of signatures on the nomination papers for that office, and a circulator's affidavit. Signers and circulators must meet the same qualifications as for regular nomination papers. (<i>E.C. Sec. 8602, 8603</i>)
HOW ELECTED	<p>In order to be elected to any office, the write-in candidate must receive more votes than other candidates running for that office.</p>
FILING FEE	<p>No fee or charge shall be required of a write-in candidate . . . (<i>E.C. Sec. 8604</i>)</p> <p>Exception: Candidates for San Diego Unified School District must pay the required filing fee and/or submit signatures in lieu of filing fee. (<i>San Diego Municipal Code Sec. 27.0321, 27.0322</i>)</p>
FILING PERIOD	<p>September 6 to October 19</p> <p>The statement and nomination papers shall be available on the 57th day prior to the election and shall be filed with the Registrar of Voters not later than the 14th day prior to the election. (<i>E.C. Sec. 8601</i>)</p> <p>Exception: Presidential candidates can begin the process at any time and must file by October 19.</p>

CAMPAIGN SERVICES SEMINAR

This meeting is to discuss what services people need from the Registrar of Voters Office and the capabilities to deliver those services.

WHEN	Wednesday, August 25, 2004 10 a.m. OR 6 p.m. (approximately 2 hours each)
WHERE	Department of Planning and Land Use – Meeting Room 5201 Ruffin Road, Suite B, San Diego (approx. 50 yards east of Registrar of Voters) Parking is available on the lower lot, if necessary
WHO IS INVITED	<ul style="list-style-type: none"> ◆ A candidate ◆ A campaign manager or consultant ◆ An election service vendor ◆ An elected official ◆ Anyone interested in what's available at the Registrar of Voters
RSVP	Feel free to invite others who may be interested. So we can plan for materials and seating, please RSVP by calling the Campaign Services Section at 858- 694-3406 to give your name, the number attending, and which session (morning or evening).

TOPICS TO BE COVERED

SERVICES AVAILABLE	<ul style="list-style-type: none"> ◆ CD ROM ◆ Computer Terminal Access ◆ Hard Copy Reports ◆ Labels ◆ Research Assistance ◆ Maps
COOPERATION	<ul style="list-style-type: none"> ◆ Voter Registration ◆ Absentee/Mail Ballot Voting ◆ Polls & Officers
BALLOT LAYOUT	<ul style="list-style-type: none"> ◆ Random Draw ◆ Ballot Rotation
BALLOT TABULATION	<ul style="list-style-type: none"> ◆ Results Availability ◆ Where/When/How Ballots Processed ◆ Observers
There will also be time for questions and answers.	

ABSENTEE/MAIL BALLOT VOTING

Candidates or campaigns planning to distribute mail ballot applications are advised, before implementation, to review the "Absentee/Mail Ballot Guidelines" prepared by the Secretary of State. **Critical points include:**

1. Approval of application format by Registrar of Voters, prior to printing.
2. Applications received from voters by campaigns must be returned to the Registrar of Voters within 72 hours.

A complete copy of the "Absentee/Mail Ballot Guidelines," which includes the application format, is available from the Registrar of Voters Office, and is provided at the Campaign Services Seminar.

Voting by mail is available to any registered voter. Obtaining a ballot at the Registrar of Voters Office or requesting a ballot through the mail before the election can be a convenient way to cast one's vote.

APPLICATION

HOW TO APPLY	<ul style="list-style-type: none"> ◆ Use application on back cover of sample ballot, OR ◆ Download the application from the Registrar's website: www.sdvote.com ◆ Write a brief note or complete an application. ◆ Phone requests NOT taken due to required signature.
CONTENTS	<ul style="list-style-type: none"> ◆ Voter's printed name ◆ Residence address (not a P.O. Box) ◆ Address where ballot should be mailed ◆ Telephone number (optional) ◆ Birth date (optional) ◆ Voter's written signature
MAIL TO	REGISTRAR OF VOTERS P.O. Box 85520 San Diego, CA 92186-5520

SCHEDULE

October 4	FIRST DAY. Absentee/Mail ballots are available by mail or in person from the Registrar of Voters. (Requests received prior to October, 4, 2004 will be held and processed beginning this date.)
October 26	LAST DAY. Absentee/Mail ballot requests by mail must be <u>received</u> no later than 5 p.m. on this date.
October 27 to November 2	EMERGENCY VOTING. Absentee ballots may be obtained and voted <u>in person</u> at the Registrar of Voters Office continuing through election day. An emergency statement, signed by the voter, is required.
October 30 & 31	WEEKEND VOTING. The Registrar's Office will be open the weekend before the election to assist voters unable to go to the polls on election day.
November 2	ELECTION DAY. Voted ballots must be <u>received</u> at the Registrar of Voters Office, or at any polling place in San Diego County, no later than 8 p.m. on election day.

For further information on Absentee/Mail Voting, please call 858- 694-3415.

REGISTRATION AND ELECTION DATA

Listed below is a brief description of some of the services and materials available from the Registrar of Voters Office. Many of the items are to be used for specified purposes only, including political campaigns.

VOTER INDEX (aka: Walking Lists, Precinct Lists, etc.)	<p>Lists of voters are available for purchase. The purchaser will be required to:</p> <ol style="list-style-type: none"> 1. Show a picture identification card 2. Sign a form which states <ul style="list-style-type: none"> ◆ the purpose for which the list will be used, and that ◆ the list won't be used for unauthorized purposes 3. Pay in advance <p>Lists are available in various sorts:</p> <ul style="list-style-type: none"> ◆ <u>Current</u> registered voters ◆ Voters who have <u>voted</u> in specific election(s) ◆ <u>Date range</u> of voters (those who registered between two specified dates) ◆ Separated by <u>jurisdiction</u> or <u>party affiliation</u> <p>Additional sorts may be available, please ask for details.</p> <p>These lists show the voter's name, address, party affiliation, precinct number and telephone number (if provided by voter). The lists can be in "alpha" order or "address" order.</p>
DISTRICT MAPS	<p>Maps of the political districts are on file in the Precinct and Maps Section and may be reviewed during regular office hours.</p> <p>The following maps are available for purchase from the Registrar of Voters:</p> <ol style="list-style-type: none"> 1. GIS Maps Custom maps with any of the following layers: City Boundaries, Communities, District Boundaries, Precincts (voter and/or election), Roads, Census Tracts, Parcels and Zip Codes are available in sizes up to 36" by 48". 2. Countywide Map (36" x 48") Cities, Communities and Jurisdictions. 3. Boundary Maps (8½" x 11") Congress, State Senate, State Assembly and Supervisor Districts with minimal detail. <p>To obtain any of these maps, please call 858-694-3199.</p>
VOTER FILE ON CD ROM AND OTHER COMPUTER REPORTS	<p>Various CD ROM and hard-copy reports are available which list voters, streets, precincts, consolidations, polling places, registration figures, and election results.</p>
MAILING LABELS	<p>Self-adhesive labels are available from the Registrar of Voters. Labels can be produced for any election, with an option to select district, precinct or party.</p>
<p>FOR FURTHER INFORMATION, PLEASE CALL 858- 694-3406.</p>	

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(For Campaign Disclosure Filing Schedule, See Page 12)

The following information is meant to help candidates, officeholders, and political committees comply with federal, state, and local political finance laws. Read it carefully and use the resources prescribed before you begin any financial activity that might be considered political in nature.

Failure to file appropriate statements and reports in compliance with the election laws described below can result in substantial criminal, civil, and administrative penalties. Failure to file within the prescribed deadlines can lead to late filing penalties for each day the statement is late.

<p>STATE REQUIREMENTS</p>	<p>The Political Reform Act (Title 9 of the Government Code) was adopted by voter initiative in 1974 and has been periodically amended by state legislation and through ballot initiatives. The Act, in part, provides that:</p> <ul style="list-style-type: none"> ◆ Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited (<i>Gov. Code Sec. 81002a</i>) ◆ Assets and income of public officials which may be materially affected by their official actions should be disclosed ◆ In appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided (<i>Gov. Code Sec. 81002c</i>) <p>The Political Reform Act is administered by the Fair Political Practices Commission (FPPC) which provides the Registrar of Voters with information manuals, instruction sheets, and disclosure forms that must be used in order for candidates, officeholders, and committees to comply with the Act.</p> <p>The Registrar of Voters provides these items in financial information packets available to all candidates, officeholders, and committees that might have filing obligations with the Registrar of Voters. Please obtain and refer to those packets for information and guidelines regarding financial disclosure requirements of the Act.</p> <p>Note: Some disclosure requirements must be met prior to the solicitation or receipt of any contribution or loan, and prior to use of any of the candidate's personal funds in support of their campaign. Please examine materials provided carefully so that compliance with the law is made.</p>
<p>LOCAL REQUIREMENTS</p>	<p>Local jurisdictions may adopt local ordinances that impose requirements on officeholders, candidates, and committees active only in their jurisdictions. Local jurisdictions may also impose contribution limitations in elections within their jurisdictions. These requirements and limitations are in addition to state requirements. A local campaign ordinance, however, never preempts state law.</p> <p>All city, county and state officeholders, candidates and committees must report contributions and expenditures on the FPPC's forms and comply with disclosure requirements/filing deadlines set forth in the Political Reform Act.</p> <p>Candidates for COUNTY OFFICES should refer to the San Diego County Election Campaign Finance and Control Ordinance for campaign finance requirements, including contribution limitations, that are in addition to the requirements of the Political Reform Act. (The ordinance is available at the Registrar of Voters Office and is included in the financial information packets available to candidates for County Offices.)</p> <p>The following candidates and committees may also be subject to additional disclosure requirements or contribution limitations under local jurisdiction campaign ordinances:</p> <ul style="list-style-type: none"> ◆ Any local officeholders and candidates ◆ Committees primarily formed to support or oppose local candidates or local ballot measures ◆ City and county general purpose recipient committees ◆ City and county major donor and independent expenditure committees

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION (Continued)

FEDERAL REQUIREMENTS	<p>The Federal Election Campaign Act (2 U.S.C.. Section 441e) prohibits contributions from foreign nationals in connection with any local, state, or federal election for political office.</p> <p>Provisions of the Political Reform Act (described under "STATE REQUIREMENTS") DO NOT apply to elections for federal office, including the Office of the President and Vice President, nor seats in the House of Representatives or U.S. Senate. Candidates for federal office and committees that participate in federal campaigns are subject to federal disclosure requirements.</p> <p>Assistance for federal candidates and committees may be obtained from the Federal Election Commission at the address and telephone number shown below.</p>	
IMPORTANT ADDRESSES, AND TELEPHONE NUMBERS	<p>SAN DIEGO COUNTY Registrar of Voters Financial Disclosure 5201 Ruffin Rd, Suite I San Diego CA 92123 Phone: 858-694-3407 Fax: 858-694-2955 Internet: www.sdvote.com</p> <ul style="list-style-type: none"> ✓ Local Committees and Candidates ✓ Forms and Manuals ✓ Filing Schedules ✓ Review and Copy Filed Reports 	<p>SECRETARY OF STATE Political Reform Division PO Box 1467 (95812-1467) 1500 11th Street, Room 495 Sacramento CA 95814 Phone: 916-653-6224 Fax: 916-653-5045 Internet: www.ss.ca.gov</p> <ul style="list-style-type: none"> ✓ Committee Identification Numbers ✓ Termination of Committees
	<p>FEDERAL ELECTION COMMISSION 999 E Street NW Washington DC 20463 Phone: 800-424-9530 Internet: www.fec.gov</p> <ul style="list-style-type: none"> ✓ Federal Campaign Disclosure ✓ Contributions from National Banks, National Corporations and Foreign Nationals 	<p>FAIR POLITICAL PRACTICES COMMISSION PO Box 807 (95812-0807) 428 J Street, Suite 450 Sacramento CA 95814 Phone: 916-322-5660 Fax: 916-322-3711 Internet: www.fppc.ca.gov</p> <ul style="list-style-type: none"> ✓ Campaign Disclosure ✓ State Contribution Limits ✓ Conflict of Interest Disclosure ✓ Lobbying Disclosure ✓ Conflict of Interests Disqualification ✓ Proper Use of Campaign Funds <p style="text-align: center;">To Report a Violation 800-561-1861</p>
	<p>STATE FRANCHISE TAX BOARD 800-338-0505</p> <ul style="list-style-type: none"> ✓ Committee Tax Status ✓ Tax Deductible Contributions ✓ Charitable Non-Profit Groups ✓ Any Other Tax-Related Questions 	
	<p>INTERNAL REVENUE SERVICE 800-829-1040</p> <ul style="list-style-type: none"> ✓ Federal Taxpayer I.D. Numbers ✓ Any Other Tax Related Questions 	

For information on campaign disclosure requirements, please contact:

Elvira Vargas, Filing Officer
Registrar of Voters, County of San Diego
858-694-3407

OR

Fair Political Practices Commission
916-322-5660

MISCELLANEOUS INFORMATION

SAMPLE BALLOTS	Sample ballot pamphlets are mailed two to four weeks before the election to each registered voter eligible to vote in this election. Voters who register or re-register between 38 and 15 days before the election will receive sample ballots or other voting information including directions to the polls (if applicable).
CALIFORNIA BALLOT PAMPHLET (STATE PAMPHLET)	This pamphlet contains all of the state measures, accompanying text (analysis, arguments, rebuttals, etc.) and statements of qualifications for candidates seeking statewide office. It is mailed (one per household) by the Secretary of State during the month before the election. The Registrar of Voters is required to mail the California Ballot Pamphlet to voters who register or re-register after 60 days before the election.
VOTER REGISTRATION DEADLINE	Monday, October 18, is the last day to register to vote in the November 2 nd General Election.
ELECTIONEERING AT THE REGISTRAR OF VOTERS OFFICE	Registrar of Voters Office is a polling place and the wearing or displaying of election campaign material is prohibited during the absentee voting period.
CANDIDATE'S POLLING PLACE	Registrar of Voter's policy does not allow candidates or family members to host a polling place or act as a poll worker in the candidate's jurisdiction.
CANDIDATE'S EMPLOYMENT	Registrar of Voter's policy does not allow candidates or family members to work as temporary employees for the Registrar of Voters Office during their candidacy.
ARGUMENT/ REBUTTAL SIGNERS	Registrar of Voter's policy does not allow signers on arguments or rebuttals to host a polling place or to act as a poll worker in the County.
ELECTION DAY ACTIVITIES	The polls will be open from 7 a.m. to 8 p.m. Campaigning is not allowed within 100 feet of the entrance to a polling place. This includes: circulating <u>any</u> petition, soliciting votes, exhibiting any campaign signs, or any other electioneering.
ELECTION NIGHT ACTIVITIES	<p>The polls are officially closed at 8 p.m. Election activity then changes from what was primarily voter participation at the polls to vote tabulation at the Registrar of Voters Office counting site. Certain check-in and processing procedures take place at the counting site; next, the voted ballots are tallied by computer and the cumulative election returns are available to candidates, the news media, and the public. Beginning at 8 p.m., the public is invited to watch this vote tabulating process from the "Public Viewing Areas."</p> <p>Absentee/mail ballot voting results will be reported first, at approximately 8:15 p.m. The next bulletin will be issued at approximately 9:30 p.m. and every 20 to 30 minutes thereafter.</p>
ELECTION RESULTS	<p>Election results will be available at "Election Central"/Golden Hall (202 C Street, downtown San Diego) on election night beginning at 8 p.m. until all precincts are reported and their ballots counted (approximately 1 a.m.). Election results will also be provided by phone or the Internet to anyone wishing to monitor the returns that night or the days after:</p> <p style="text-align: center;">Telephone: 858-565-5800 Internet: www.sdvote.com</p> <p>Provisional and additional absentee/mail ballots will be counted during the week following the election. Bulletins with these "add-on counts" will be available at the front counter of the Registrar of Voters Office.</p> <p>The semi-official <u>precinct</u> breakdown will be available the day after the election at the Registrar of Voters Office for anyone who wishes to review the results.</p>
OFFICIAL CANVASS OF THE RETURNS	The Registrar of Voters shall conduct the official canvass of the returns. When completed (within 28 days following the election), a certified statement of the results will be submitted to the Secretary of State, the Board of Supervisors and affected jurisdictions.

(The Board of Supervisors' policy on the following pages governs the Community Planning Groups in the County of San Diego.)

COUNTY OF SAN DIEGO

Policy I-1 - Planning and Sponsor Group Policies and Procedures

Purpose

To establish policy and procedures for the establishment and operation of planning and sponsor groups. This policy shall also establish procedures for the groups' primary responsibilities of updating the County General Plan and reviewing discretionary regulatory projects.

Background

The County General Plan, adopted by the Board of Supervisors, meets the requirements of State law and provides broad guidelines for the proper development of the County. An accepted method for refining and updating the General Plan is to prepare, adopt and implement local plans for the various unincorporated communities in the County.

Local planning is more responsive to local needs if there is a high level of citizen participation in the planning process. The policies and procedures that follow are intended to encourage citizen participation and to provide a uniform process in the preparation, revision and implementation of community and subregional plans for unincorporated areas of the County and for the creation of planning and sponsor groups. These groups work closely with the local citizenry to help guide the course of growth in their respective planning areas.

Policy

It is the policy of the Board of Supervisors that:

Representative planning groups and sponsor groups be formed in the communities and subregions of the unincorporated area for the purpose of advising and assisting the Director of Planning, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and subregional plans.

The procedures set forth herein shall be followed in the establishment of community and subregional plan boundaries, the formation of planning and sponsor groups and in the preparation, amendment, and implementation of community and subregional plans. Further, the groups may advise the appropriate boards and commissions on discretionary projects as well as on planning and land use matters important to the community.

The procedures set forth herein shall also guide the operations of all planning and sponsor groups, including the consideration of planning business in public meetings and the administration of internal responsibilities that must be carried out by all planning and sponsor groups throughout the year.

COMMUNITY BOUNDARIES

The Department of Planning and Land Use shall maintain a map of the unincorporated area of the County of San Diego identifying the boundaries of all community and subregional plan areas, as well as sponsor group areas. The boundaries shall reflect commonality of interest, topography, access, and existing district boundaries to the greatest extent possible. If the boundaries of community and subregional plan areas are revised, voting precinct boundaries shall also be revised if necessary to conform to these new boundaries.

The boundaries of group areas shall be defined at the time a group is established by the Board. The map shall be reviewed periodically by LAFCo and SANDAG staff for consistency with planning efforts of the various incorporated cities.

Each planning area and subregion shall be identified by name. The boundary map shall be reviewed periodically by the Planning Commission and the Board. During such review, boundaries may be changed for good cause by the Board after notification and comment by affected planning or sponsor groups. The Registrar of Voters shall be notified within 30 days of the Board of Supervisors' actions. There shall be no boundary changes within 180 days prior to an election.

SPONSOR GROUP FORMATION

The principal function of a sponsor group is to be an information linkage between the community and County on matters dealing with planning and land use.

A sponsor group may be formed through two different approaches to the Board of Supervisors. Any community organization in an area where there is no elected planning group may seek designation by the Board of Supervisors as a sponsor group upon obtaining the recommendation of the Supervisor(s) for their district. Formation of a sponsor group may also be initiated upon the recommendation to the Supervisor of the district in which the need for a group has been indicated. Nominations for

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

membership may be solicited from the community-at-large, by planning staff, and/or the staff of the Supervisor's office. Each member must be appointed by the Board of Supervisors and cannot function as a sponsor group member until such appointment has taken place. Subsequent vacancies shall be filled in the manner specified in Article II, Section IV of the Planning and Sponsor Group Bylaws contained in this Policy. The term of membership for sponsor groups is provided in Article II, Section III of said Bylaws.

The members of a sponsor group may, upon the recommendation of the Supervisor of their district and authorization by the Board, stand for election as members of a planning group, thus bringing to an end their sponsor group status.

COMMUNITY PLANNING GROUP FORMATION

The formation of community planning groups is authorized by the Board of Supervisors and the members are elected by the registered voters in the community planning area.

Elections for planning groups that have been authorized by the Board of Supervisors will be conducted by the County Registrar of Voters the first Tuesday after the first Monday in November of each even-numbered year. Except as otherwise specifically provided herein, elections will be administered according to the California Elections Code (Sections 23500 to 23559).

Members shall serve a four-year term, except as otherwise specified herein.

Planning group members will retain their membership until the first Monday after January 1 following the election, after which, if reelected, they will begin a new term. If not reelected, members may retain membership until replaced by the newly elected members of the planning group.

If by 5:00 p.m., on the 88th day prior to the election, the number of candidates does not exceed the number of positions to be filled, the Registrar of Voters shall not conduct an election of such planning group, but shall certify the qualified candidates to the Board of Supervisors for appointment. When the number of available positions equals or exceeds the number of qualified candidates, the Board of Supervisors shall, during a regular Board meeting, appoint qualified persons to the planning group as nominated by the Supervisor(s) of the applicable district(s). In either case, appointments shall become effective the first Monday after January 1 following the election date. Notwithstanding the foregoing, no person elected to membership on a planning group shall have, as against the County, the right to any specific term of membership and the County may call an election for any group whenever the Board of Supervisors deems appropriate.

Only registered voters living in the planning area are eligible to be candidates and to vote in the election of the planning group for that planning area. Candidates may obtain petition of nomination forms from the office of the Registrar of Voters beginning on the 113th day prior to the election. To be a qualified candidate, the completed forms must be filed with the Registrar of Voters office by 5:00 p.m., at least 88 days prior to the election. There shall be no 5-day extension for candidate filing if an incumbent fails to file by the 88th day before the election.

The Registrar of Voters shall number each seat on the planning group 1 through 15. For the purpose of election and filing vacancies, each planning group member shall be designated as filling a numbered seat.

The even-numbered seats shall be up for election in 1986 and every 4 years after that. The odd-numbered seats shall be up for election in 1988 and every 4 years after that.

The specific number of seats up for re-election shall not appear on the ballot. Instead the ballot shall state "Vote for no more than Seven" or "Vote for no more than Eight" (with appropriate changes for subregional areas), depending on which terms are expiring. In cases where the Board of Supervisors makes appointments to the group due to an insufficient number of candidates, such appointments shall specify the seat number which the appointee is to fill.

In a newly authorized planning group, the 15 individuals receiving the highest number of votes shall become members of the planning group. The top eight will receive a 4-year term, and the remainder will receive a 2-year term. This rule will apply to the formation election only.

The successful individuals, as certified by the Registrar of Voters shall become members of the planning group beginning on the first Monday after January 1 following the election. The Registrar of Voters shall provide each newly elected individual with a copy of the certified election results. Any person who fails to comply with any of the requirements as outlined by the Registrar of Voters shall be ineligible for membership on a planning group.

The recall of a planning group member shall be governed by the provisions of Division 11 of the California Elections Code, as it presently exists or may be amended in the future, regarding the recall of local officers. A planning group member shall be regarded as a local officer solely for the purpose of implementing the recall provisions of Division 11. The terms "governing board" and "governing body" referenced in Division 11 mean, for the purpose of implementing the recall provisions of Division 11, the community planning group whose member is the subject of a recall petition. The Registrar of Voters shall determine the method of conducting a recall election for a planning group member.

When a vacancy occurs it shall be filled in the manner specified in Article II, Section IV of the bylaws.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Election of Planning Groups in Subregions

To ensure adequate neighborhood representation for each section in a subregion, the Board of Supervisors may identify sections of the subregion and determine the number of members and numbered seats to be filled from each section, at least 180 days in advance of the election, and direct the Registrar to so indicate on the ballot. Only registered voters living in a given section of a subregion are eligible to represent that section on the planning group. All registered voters in the subregion may vote to elect members for vacant seat(s) from each section. If the number of candidates does not exceed the number of vacancies in each section, the Registrar shall not conduct an election for that section but shall certify the qualified candidates to the Board of Supervisors for appointment.

If a planning group member changes his/her legal address to a different section of the subregion from that in which he/she was elected or appointed to represent, that group member shall immediately forfeit his/her position in the planning group. This vacancy may then be filled by a resident from that section of the subregional plan area where the vacancy occurred in accord with Article II of the bylaws.

FINANCIAL DISCLOSURE

No person who is a candidate for membership on a community planning group shall accept or receive any campaign contribution which either: (1) is from a source other than a natural person; or (2) will cause the total amount contributed by the same person (other than the candidate himself or herself) with respect to a single election, including contributions to any agent or committee on behalf of the candidate, to exceed the sum of \$250.00.

Financial disclosure statements shall be filed as follows:

At the time of filing the petition for nomination with the Registrar of Voters, planning group candidates shall file, and within 30 days of assuming office sponsor group and planning group members shall file, financial disclosure statements disclosing all financial interests in disclosure categories 1, 2, 3 and 7 below (investments, interests in real property and business positions). Thereafter, sponsor group and planning group members shall file annually (no later than March 31 covering the preceding calendar year), and within 30 days of leaving office, financial disclosure forms disclosing all financial interests in all disclosure categories below. All statements by candidates for and members of planning groups shall be filed with the Registrar of Voters. All statements by members of sponsor groups shall be filed with the Clerk of the Board of Supervisors.

Financial disclosure statements shall be made on forms prescribed by the Fair Political Practices Commission (FPPC) and supplied by the Department of Planning and Land Use. The jurisdiction to which the financial disclosure requirements relate shall be the sponsor or community planning group area served by the group member, and real property shall be deemed "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction. (See Gov. Code § 82035) The members shall provide all financial information in respect to investments, real property and income relating to the jurisdiction required on the FPPC disclosure forms in the following disclosure categories:

1. Investments (other than those held by a business entity or trust).
2. Interests in Real Property (other than those held by a business entity or trust) "Interests in Real Property" does not include the principal residence of the filer for purposes of disclosures.
3. Interest in Real Property and Investments Held by Business Entities and Trusts.
4. Income (other than loans and gifts)
5. Income – Loans
6. Income – Gifts
7. Business Positions
8. Commission Income, Income and Loans to Business Entities and Income From Rental Property

In addition, candidates for membership of a planning group shall file with the Registrar of Voters campaign disclosure statements in accordance with the requirements of Chapter 4 of the Political Reform Act of 1974 (Gov. Code Section 84100 et. seq.).

OPERATION OF PLANNING GROUPS AND SPONSOR GROUPS

Conduct and operation of the planning and sponsor groups is governed by this policy, Board Policy I-1A and the Brown Act, as well as by Standing Rules that may be adopted by the groups. Standing Rules may supplement this policy but may not supersede it in any manner.

Planning and sponsor group members are not County officials. They act in an advisory capacity to the Director of Planning, Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission, the Board of Supervisors, and others involved in the County planning process. Such planning and sponsor groups are not empowered by ordinance or policy to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials. These groups are recognized as having a working relationship with the County on planning and land use matters. Community issues not related to planning or land use are not within the purview of these groups.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

No planning or sponsor group member shall request any project proponent to make any contribution of money, goods, services or any other things of value to the community or to any person or organization within the community as a condition of or for receiving the favorable vote of the group or any of its members. This shall not prohibit the members from recommending conditions for approval of the development proposal which are authorized by State law or County ordinance.

Disqualification

No planning or sponsor group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- (a) Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within twelve months prior to the time when the decision is made;
- (d) Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Manner of Disqualification

When a planning or sponsor group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the group's official records. (See County Counsel companion letter to Policy I-1.)

"Representation of Personal Interests"

A member who is disqualified above may appear before the Group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

- (a) An interest in real property wholly owned by the member or the member's immediate family; or
- (b) A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Planning and Sponsor Group Meetings

All meetings shall be open to the public and shall be held in a public place which is a place known to the community as a facility used for public assembly. Notices of all meetings except subcommittee meetings shall be placed in community newspapers, if available, or posted in a public place in the community if there is no community newspaper. Such notice shall be made at least five days prior to the meeting date and the agenda must be posted 72 hours before the meeting convenes. In addition, preliminary notices will be sent by the County to any one requesting them. A fee may be charged for sending such notices.

The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized group members may vote.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Election of Officers

Officers shall be elected annually for the positions of Chair, Vice-Chair, Secretary and other offices as may be provided for by the group. The Chair is the presiding officer, oversees all the activities of the group and its subcommittees, and is responsible for all appointments. The duties of the Vice-Chair shall be determined by the Chair. The Vice-Chair also presides over group meetings in the absence of the Chair. The Secretary maintains the records of the group's proceedings and correspondence.

Political Activity

The group will not endorse or support any political activity or candidate for elective office. The group may, however, provide a public forum for the discussion of planning issues which are important to the community.

Legal Defense and Indemnification

Planning group members may receive legal defense and indemnification through the Office of County Counsel if the criteria in Board Policy I-1A are met. To be eligible to receive County Counsel assistance, a group member must make a written request to County Counsel for defense and indemnification within 5 working days of having been served with legal papers. The County of San Diego may decline to defend a Group member under the circumstances specified in Board Policy I-1A.

Planning and Sponsor Group Assistance

County staff is available to assist the planning and sponsor groups. The Department of Planning and Land Use shall coordinate staff support for the groups. Assistance may be requested for periodic training regarding areas of concern and for staff attendance at meetings to give additional information on selected projects.

The Department shall also provide an orientation for new members of the groups, interpret and recommend revisions of Policy I-1, recommend changes in planning area boundaries, recommend creation of new groups and provide general resolution of problems that may arise in the course of group activities. The Department shall coordinate the appointments and confirmation of new planning group and sponsor group members with the Board of Supervisors, the Registrar of Voters, and the Director of the Community Involvement Office as necessary. The Department shall administer a budget which may be used by the groups to cover authorized expenses incurred by the group while doing group business. The allocation of the budget among the groups shall be reviewed annually and shall reflect the workload of the group, and the status of the group as either a sponsor or planning group.

PLAN PREPARATION

During the preparation or update of a community or subregional plan, the role of the planning or sponsor group is to advise and provide recommendations to the Planning Commission and Board of Supervisors on the proposed plans. The group shall be assisted by County staff in preparing the plan and related documents pursuant to this policy.

Research and Analysis

During the research phase, staff may gather data on existing and needed public services, population, environmental constraints and other information related to the potential for development within the community or subregional plan area. A community conference may be sponsored by the planning or sponsor group to identify community needs, aspirations and issues.

During this stage of the program, the group should become familiar with the adopted County-wide General Plan, and the existing Community Plan and Text. The needs of the community should be assessed, and the data prepared by staff should be reviewed by the group.

Goals and Policies

Based on the community conference, the adopted County-wide General Plan, and other relevant planning policies, staff shall prepare draft goals and policies for the consideration of the group. The purpose of the draft goals and policies shall be to give direction to the subsequent more specific detailed planning that will be done to complete a preliminary plan. The draft goals and policies may address community preference with respect to the appropriate timing for annexation or incorporation of areas within the community or subregional plan area.

The planning or sponsor group shall review and revise the staff prepared goals and policies with staff assistance and approve a draft set of goals and policies for publication. Any conflicts between the preliminary goals and existing County policy or planning principles will be resolved at this time. The draft goals and policies shall be well publicized throughout the community and the group shall hold an open community meeting to discuss the draft. Subsequent to the meeting, acceptance of the final draft goals and policies will be by a majority vote of the authorized group membership.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Plan Formulation

Based on the accepted community goals and policies, staff will prepare a preliminary plan consisting of a land use map, proposed zoning and a text setting forth goals, policies, and standards. In the course of scheduled public meetings, staff proposals will be revised by the planning group. With the help of community input during these meetings, a revised preliminary plan, hereafter referred to as the proposed plan, will be prepared and approved by the group.

Staff will identify for the group, the Planning Commission and the Board of Supervisors any differences between the proposed plan and existing County policy, fundamental planning principles, or the accepted community goals and policies. Differences thus identified would result in a recommendation to either change County policy or the proposed plan.

There may be instances where staff and the group disagree on parts of the proposed plan in which case both proposals should be brought forward to the Planning Commission and the Board of Supervisors.

The expenditure of County funds is authorized to pay for the printing and distribution of a preliminary goals report and preliminary plan map and report for a community which has been duly authorized by the Board to prepare or update a community or subregional plan, subject to the existence of sufficient funds in the Department budget for such publication and distribution.

The preparation of a community or subregional plan or its update shall be completed within two years from the date of Board authorization, unless specifically modified or extended by action of the Board of Supervisors. The proposed plan shall then be processed with all due speed in compliance with applicable environmental review, public hearing notification and general plan amendment scheduling as determined by the Board of Supervisors.

PLAN ADOPTION

Planning Commission Hearing

Staff will prepare the necessary notice of public hearing and other documents as required by law. If feasible, the Planning Commission may hold its hearing in the planning area. It is the responsibility of the group to assist staff in presenting the proposed plan at the hearing.

The purpose of the public hearing is to assure everyone an opportunity to present testimony on the proposed plan and proposed zone reclassifications. Since every citizen of the County will be affected either directly or indirectly by the plan, the hearing is an important part of the democratic process. Upon completion of the hearing, the Planning Commission may approve the plan and recommend its adoption to the Board of Supervisors or may recommend revisions to the plan.

Board of Supervisors Hearing

The Board of Supervisors must also conduct an advertised public hearing. After closing the hearing, the Board may adopt the plan or direct that the plan be revised. In the latter case, the plan must be returned to the Planning Commission for a recommendation on any substantial proposed revisions not previously considered by the Planning Commission, prior to the final adoption of the plan by the Board of Supervisors.

PLAN IMPLEMENTATION

Proponents of development should be encouraged to submit their development proposals to the planning groups for a preliminary review prior to formal application to the County. This procedure could be more cost effective to the applicant and could result in earlier resolution of local concerns. Preliminary review does not eliminate or replace the group's formal review and/or appeal rights as a part of the normal application process.

The planning or sponsor group shall advise the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the implementation of the adopted community or subregional plan. In carrying out this responsibility, the group shall advise on development proposals, rezones, general plan amendments, and similar matters which would impact their planning area. Planning and sponsor group comments on these proposals are strictly advisory. Groups may determine which projects they will review and have the responsibility of securing information from the County regarding proposed projects. Group recommendations must be in writing, and must represent a majority of the planning or sponsor group's authorized membership. Minority opinions shall be accompanied by a statement identifying what portion of the group endorses the statement.

The group shall forward its recommendation to the appropriate County hearing body or the department. It is the responsibility of the group to submit its recommendations within the normal processing schedule, allowing for inclusion of the recommendation in transmittal documents to the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors. The staff report to the hearing body or official shall indicate if the County has received an official recommendation and/or a minority report from the affected planning or sponsor group. If no recommendation is provided, the hearing body or official may request one.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Proposed Publicly-Initiated Planning and Land Use Actions

The planning or sponsor group may make recommendations on proposed publicly-initiated planning and land use actions based on their consistency with the adopted community or subregional plan.

County staff shall inform the group of all proposed publicly-initiated planning and land use actions, including zoning, proposed plan amendments, and text revisions. Such proposals shall be presented to the group for review prior to being presented to the Planning Commission and Board of Supervisors.

Proposed Privately-Initiated Actions

The planning and sponsor groups may make recommendations on proposed privately-initiated planning and land use actions based on their consistency with the adopted community or subregional plan. Each group may review and make recommendations on private development applications according to the following process:

1. The Department of Planning and Land Use shall provide each group with timely notice of private development or land use proposals that are filed with the County.
2. The Department of Planning and Land Use shall be responsible for providing each group with a copy of maps and other support documents associated with each project.
3. The mailed public notices, mailed by County staff, shall include a statement providing the following information: Name of the responsible planning/sponsor group, where and when the group meets, where posting of final agenda occurs.
4. Each group shall be responsible for selecting those projects which it deems sufficiently significant for review. The project's proponents should be notified by the group of the meeting at which the group expects to make a recommendation.
5. Each group shall conduct its meetings in accordance with all legal requirements necessary to assure the project's proponents and opponents receive a fair opportunity to be heard.
6. Each group shall be responsible for completing its review, writing its recommendation and forwarding it to the Department of Planning and Land Use in a timely manner so that the recommendation can be included in transmittal of the project to the applicable hearing body or officer.
7. The staff report on private development proposals shall include the official advisory group recommendation. If such a recommendation is not provided by the group, the staff report shall indicate that no statement was filed by the planning group.

APPEAL PRIVILEGES

The planning and sponsor groups are authorized free appeal privileges on all discretionary land use matters.

The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.

PLAN AMENDMENTS

It is the role of the planning and sponsor groups to review and make recommendations on proposed amendments to the adopted community or subregional plan. Staff shall present such proposals to the group for review prior to their being transmitted to the Planning Commission and the Board of Supervisors.

PLAN REVISION

Upon authorization of the Board of Supervisors, a comprehensive revision to an existing community plan may be undertaken and the provisions of this policy will apply as in the case of the original plan preparation. Staff is not authorized to work on comprehensive plan revisions without specific Board authorization.

GROUP BYLAWS AND STANDING RULES

Authority for the establishment and operation of all planning and sponsor groups lies in the Board of Supervisors Policy I-1. The bylaws included herein describe the purpose, functions and operating procedures for all groups. An individual group may supplement these bylaws with additional rules, if deemed necessary by the group. However, those rules shall be viewed as ancillary to the Policy's bylaws and shall not contradict or supersede them. Standing rules that relate to the details of the administration of the group rather than to parliamentary procedure may be adopted by a majority vote of the authorized membership.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

PLANNING AND SPONSOR GROUP BYLAWS

ARTICLE I - PURPOSE AND AUTHORITY

Section I The authority for the establishment of a planning or sponsor group (group) is in the Board of Supervisors Policy I-1 entitled, "Planning and Sponsor Group Policies and Procedures." Policy I-1 also governs the group's operations.

Section II The purpose of the group is to advise the Department of Planning and Land Use, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors on matters of planning and land use affecting the group's area.

Section III The group is a non-partisan, non-sectarian, non-profit-making organization. It does not take part officially in, nor does it lend its influence to, any political issues.

Section IV Planning group members are not County officials. They are advisors to the Director of Planning, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors only. Such groups are not empowered by ordinance or policy to render a decision of any kind on behalf of the County of San Diego or its appointed or elected officials.

Section V These bylaws may be amended only by action of the Board of Supervisors of San Diego County.

ARTICLE II – MEMBERSHIP

Section I Planning group membership shall be limited to adults (18 years of age or older) who are registered voters living in the pertinent planning area. Sponsor group members appointed after June 3, 1998 shall be limited to adults who are registered voters that either reside within the sponsor group boundaries or own property located within the sponsor group boundaries.

Section II The group is limited to 15 members. Groups shall consist of an odd number of members, determined by the Board of Supervisors, ranging from a minimum of 5 members to a maximum of 15 authorized members. Neighborhood representation by a specific number of members is permitted. Elected and appointed members shall reflect that prescribed ratio of representation.

Section III Membership on planning and sponsor groups shall be for four (4) years. Numbers shall be assigned to all seats. For sponsor groups, the four year term shall expire on the first Monday after January 1, in the following years:

- a. for even numbered seats: 2003, and each fourth year thereafter;
- b. for odd numbered seats: 2001, and each fourth year thereafter.

Appointees to vacancies shall serve out the full unexpired term of the vacant seat.

Section IV Candidates for vacancies occurring in the membership of the group must meet all the requirements for membership, as set forth elsewhere in this Policy. Vacancies are filled in accordance with the group's Standing Rules. If there are no applicable Standing Rules, vacancies are filled from the list of candidates in the election in order of the number of votes they received; and if no list exists, volunteers may be accepted. Confirmation of the candidate from an Election list or of a volunteer shall be by majority vote of the remaining members of the group. Only upon appointment by the Board of Supervisors can the new candidate assume the responsibilities of membership.

The process of filling vacancies shall maintain neighborhood representation if applicable. In addition, appointments to planning groups and sponsor must be made to a specifically numbered seat.

Solicitation for candidates to fill vacancies may be made in the notices of meetings published in a local paper.

ARTICLE III – DUTIES

Section I The group conducts such business and takes such actions as are necessary to accomplish its purpose as defined in Article I, Section II, of these bylaws.

Section II The group solicits comments from all citizens regarding all aspects of their planning duties. Project proponents must always be advised in advance when their project is an agenda item for discussion and possible action.

Section III Group chairs are encouraged to meet collectively from time to time with the Chair of the County Planning Commission to discuss community planning and regional planning issues and to advise the Planning Commission on planning matters.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Section IV Annually each member must attend at least one session of the training workshops normally conducted yearly. These workshops usually consist of three sessions each.

ARTICLE IV – OFFICERS

Section I The election of officers is a responsibility of group membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through VI apply.

Section II The group elects from its members the following officers: Chair, Vice-Chair and Secretary. Officers shall be elected annually upon nomination by members of the group or by a slate of nominees prepared by a nominating committee. A majority vote of the authorized membership is required to elect officers. Newly elected officers shall take office at the end of the meeting during which they were elected.

Section III If an office is vacated, the Chair will temporarily appoint a member of the group to fill the vacancy until a new officer is elected. Such election shall be held within 30 days of the vacancy.

Section IV The Chair provides general supervisory guidance to the group and presides over all its meetings. The Chair assigns coordinating duties to the Vice-Chair as necessary. The Chair is the sole official spokesperson for the group unless this responsibility is delegated in writing or otherwise established by majority vote of the group. The Chair may vote on every motion put before the members.

Section V In the absence of the Chair, the Vice-Chair assumes the duties and responsibilities of the Chair. The Chair may create a file of correspondence during his or her tenure. At the end of the Chair's term, this file shall be added to the correspondence file maintained by the secretary.

Section VI One person may be elected secretary or the responsibilities may be rotated among the group's membership. However, regardless of the number of people who serve as secretary, the following functions must be carried out. The Secretary records the minutes of all group meetings and maintains a file of all group correspondence. The Secretary keeps the roll, certifies the presence of a quorum, and keeps a record of actions as they occur at each meeting. If the group meets regularly once a month, minutes and agendas shall be sent to the Department of Planning and Land Use at least two weeks in advance of the next meeting; if the Group meets regularly twice a month, minutes and agendas must reach the mail out clerk of the Department of Planning and Land Use eight days prior to the next meeting. Minutes shall record the motions and the names of those who make and second motions if seconds are required. Likewise, the minutes shall indicate which members voted against, or abstained from voting on a motion. (All planning/sponsor group agendas and minutes are kept on file in the Office of the Clerk of the Board of Supervisors as required by the Public Information Act.) It will be the responsibility of County staff to place published legal advertisements for groups who are involved in Plan Updates. Groups not involved in an Update shall be responsible for placing legal advertisements for group meetings. County staff shall reproduce and distribute the group's meeting notices and minutes to interested parties for a nominal fee.

ARTICLE V – SUBCOMMITTEES

Section I The conduct and membership of subcommittees is a responsibility of the group's membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through V apply. However, no subcommittee shall include a quorum of the planning or sponsor group.

Section II The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the planning and sponsor group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized Group members may vote.

Section III The purpose and scope of activities of each subcommittee shall be outlined in writing by the chair of the group upon creation of the subcommittee.

Section IV Each subcommittee chair shall be responsible for keeping records of actions and reports of the subcommittee and shall submit these actions and report to the group on a regular basis. A subcommittee Chair shall not act as a spokesperson of the Group unless authorized to do so in writing as set forth in Article IV, Section IV of these bylaws or as officially designated by the Group as shown in the official minutes.

Section V A coordinating committee comprised of the chairs of each subcommittee may be formed to assemble information from each subcommittee for presentation to the group. The chair or vice-chair of the Group shall be the Chair of the coordinating committee. The coordinating committee may serve in an advisory capacity to the chair on administrative matters.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

ARTICLE VI - ORGANIZATION PROCEDURES

Section I Either Robert's Rules of Order or Ray Keesey's Modern Parliamentary Procedures shall govern the operation of the planning group in all cases not otherwise covered by these bylaws. The Group may formulate additional specific Standing Rules which do not conflict with or supersede these bylaws to govern the conduct of its meetings.

Section II All Group voting is on the basis of one vote per person, and no proxy, telephone-canvassed or absentee votes are permitted. Secret ballots are not allowed.

Section III Unexcused Absences: Any member who misses three consecutive monthly meetings, six consecutive twice-monthly meetings, or misses non-consecutively one-third of the total number of meetings in any one calendar year shall forfeit his/her membership. Such forfeiture (i.e., a vacancy) shall be acknowledged by a majority vote of the remaining authorized membership at the next succeeding meeting of the group. Also, by a vote of the majority of the remaining authorized membership, the group may waive recognition of the forfeiture for cause.

This provision may be made more restrictive in the Group's Standing Rules. Such vacated membership will be filled in the manner described in Article II, Section IV of these bylaws.

Section IV All meetings of the Group and its subcommittees are open to the public and are to be held in a public place. Notice of all group meetings shall be placed in a community newspaper at least five days prior to the meeting, if available. In addition, a final agenda shall be posted in a public place 72 hours before the meeting is held. In addition, preliminary notice will be mailed upon request, for which a fee may be charged.

Section V A quorum of the group shall consist of more than 50% of its authorized membership. No vote of the Group constitutes an official position of the Group on matters of planning and land use, unless passed by a majority of its authorized membership, unless otherwise required in this policy. Any action not made in accordance with Policies I-1, I-1A or the Brown Act shall not constitute an official action of the group and shall not be considered by the appropriate hearing body as an official vote.

Section VI Reconsideration of a previous vote is permissible only if pertinent new information is brought to the attention of the group. A vote to reconsider requires a majority vote. If the Group votes to reconsider, then the group may reconsider the project in light of the new information.

Section VII Service on Community Planning Groups is a public trust. Group members must not engage in any activity where there is conflict between their private interests and the public interests of the community represented. Group members are encouraged to avoid situations which could give the appearance of such a conflict. Group members may not use their planning group positions to induce or coerce, or appear to induce or coerce, any person or entity to provide financial benefit to themselves or other entity or person, nor may Group members use information not available to the public to secure private gain for either themselves or their families.

- a. Bribery or Graft. Planning group members shall not solicit, accept or agree to accept anything of value in return for performing or refraining from performing their planning group duties.
- b. Gratuities. Planning group members shall not solicit or accept any gift, gratuity, favor, entertainment, loan or any other thing of monetary value aggregating to \$250 or more, either directly or indirectly, from any person, firm, corporation or other entity which would benefit materially from the outcome of a planning group decision. Acceptance of any such gratuity must be reported under Chapter 7 of the Political Reform Act of 1974 and will disqualify the member from participation in the group's activities related to the person, firm, corporation or entity responsible for the gratuity.

Section VIII Disqualification

No group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- a. Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- b. Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- c. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made;
- d. Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- e. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Manner of Disqualification

When a group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the group's official records.

"Representation of Personal Interests"

A member who is disqualified above may appear before the group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

- a. An interest in real property wholly owned by the member or the member's immediate family; or
- b. A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Section IX Board referrals on specific projects shall be placed on the agenda of the next properly noticed regular Group meeting for discussion and an official action.

Sunset Date

This policy will be reviewed for continuance by 1-1-93.

Board Action

3-6-68	3-8-83 (56)
3-11-68 (93)	3-23-83 (25)
6-23-69 (98)	6-18-85 (54)
3-24-71 (12)	10-2-85 (18)
4-3-74 (30)	2-5-86 (5)
9-1-76 (4)	8-13-86 (5)
1-25-77 (145)	10-14-87 (38)
2-16-77 (23)	7-6-88 (14)
8-23-77 (56)	2-15-89 (5)
9-28-77 (20)	3-27-89 (10)
2-7-78 (103)	4-24-89 (11)
6-27-78 (71)	7-3-89 (5)
10-3-78 (50)	03-11-92 (4)
5-22-79 (130)	05-06-98
1-20-82 (23)	10-02-02 (3)
3-2-83 (29)	

1. Department of Planning and Land Use
2. Registrar of Voters

POLITICAL ADVERTISEMENT REQUIREMENTS

(Elections Code Section 20008)

NEWSPAPER AD REQUIREMENTS	Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.
DEFINITION	As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

MASS MAILING OF CAMPAIGN LITERATURE

REGISTRAR OF VOTERS DUTIES	A copy of Section 84305 of the Government Code (see below) shall be provided by the Registrar to each candidate or his or her agent at the time of filing the declaration of candidacy . . . (E.C. Sec. 16)
PUBLIC EXPENSE	No newsletter or other mass mailing shall be sent at public expense. (Gov. Code Sec. 89001)
DEFINITION	"Mass mailing" means over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. (Gov. Code Sec. 82041.5)

CALIFORNIA GOVERNMENT CODE SECTION 84305

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

SIMULATED BALLOT REQUIREMENTS

(Elections Code Section 20009)

- a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS

(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by (insert name and address of person or organization responsible for preparation thereof).

Nothing in this section shall be construed to require any such notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

- b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public official entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.
- c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

STATE SIGN INFORMATION

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a schedule election.
- B. Is placed not sooner than 90 days prior to the schedule election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to the appropriate District Office according to the county location of the Temporary Political Sign(s). (See attached map for address)

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the appropriate Outdoor Advertising District Office (See attached map for contact numbers).

Enclosure

STATE SIGN INFORMATION (Continued)

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: ____ March ____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY'S:

Name: _____

Address: _____

Phone Number (Include Area Code) _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed not sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

SIGNATURE OF RESPONSIBLE PARTY DATE

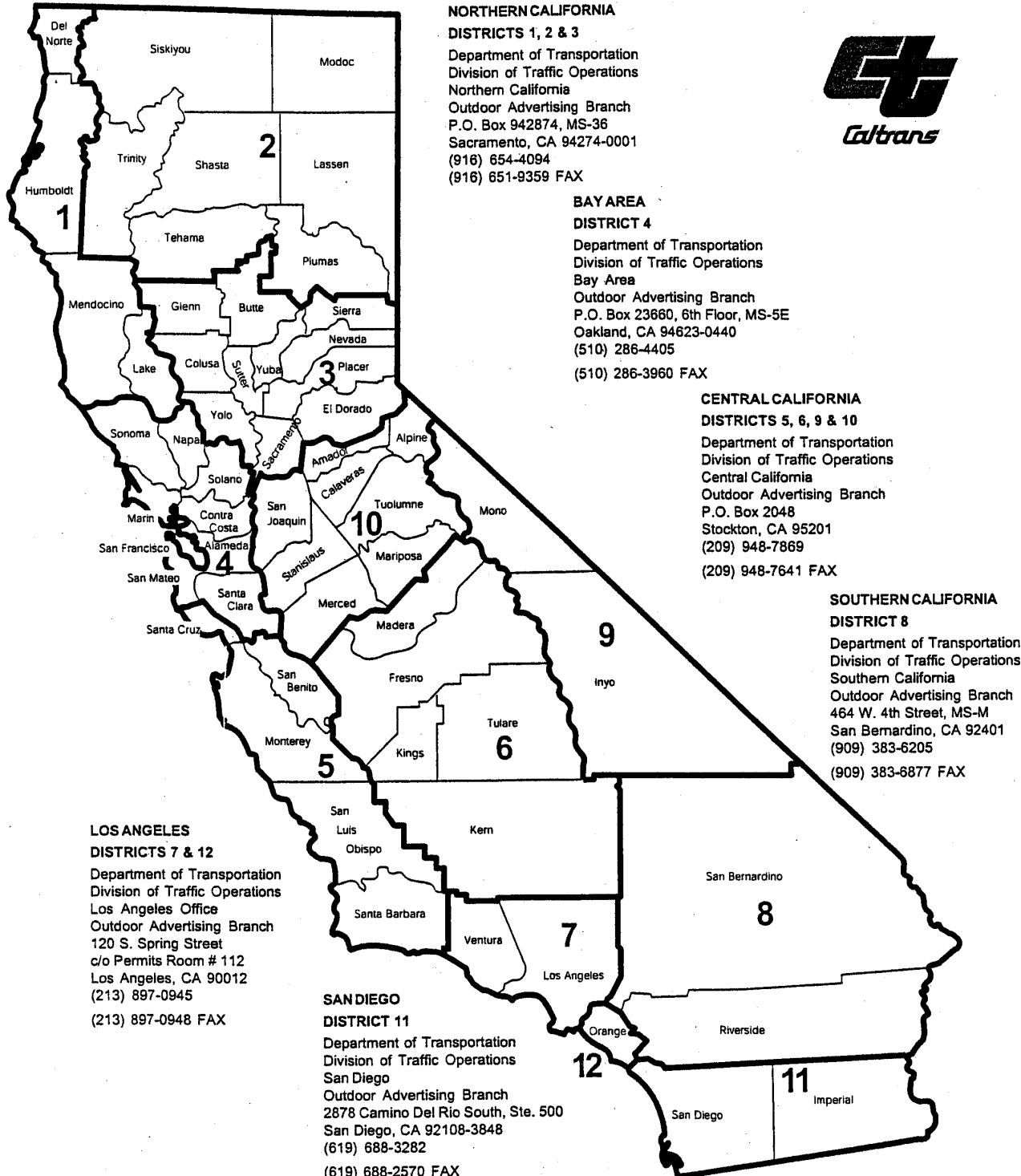
DATE

Mail Statement of Responsibility to the Appropriate District Office according to the **COUNTY LOCATION** of the Temporary Political Sign(s) (See attached map).

STATE SIGN INFORMATION (Continued)

Mail to Caltrans District Office according to THE COUNTY LOCATION of the display.

Please utilize map below to acquire the correct mailing address.



COUNTY SIGN INFORMATION



COUNTY OF SAN DIEGO

DEPARTMENT OF PUBLIC WORKS

INTRADEPARTMENTAL CORRESPONDENCE

June 17, 2004

Dear Candidate:

The records of the Registrar of Voters indicate that you have filed for election to a public office in the County of San Diego.

In the course of your campaign, should you desire to utilize election posters as one of your means of communication with the electorate, it is necessary that you be aware of the conditions under which such signs may be placed within or adjacent to County unincorporated area road and street rights-of-way. Attached for your convenience and information is a copy of Policy J-5, "Regulations, Signs in County Road Rights-of-Way Other than Official Directional and Regulatory Signs," adopted by the Board of Supervisors, County of San Diego, and amended last on September?

You may apply for a temporary encroachment permit, which is a non-refundable \$80.00 fee, at the Department of Public Works, Land Development Counter, 5201-D Ruffin Road, San Diego, CA 92123 or call (858) 694-3275 for information. A sketch showing the number of posters and the approximate location of each should be submitted at the time the application is completed.

All signs placed in the County right-of-way contrary to the provisions of Policy J-5 or remaining after Election Day will be removed by the County of San Diego under the authority of Section 1460 of the California Streets and Highways Code. At the time a permit is applied for, the permittee shall agree to pay for the County cost of removal of any such signs.

Your cooperation in complying with the policy and maintaining clean and unlittered streets and highways will be appreciated.

Very truly yours,

A handwritten signature in cursive script, reading "John L. Snyder".

John L. Snyder
Director

COUNTY SIGN INFORMATION (Continued)

APPLICATION TO ENCROACH UPON COUNTY HIGHWAY

GOVERNED BY CHAPTER 6, DIVISION 1
TITLE 7 OF SAN DIEGO COUNTY CODE

DATE _____

FOR COUNTY USE ONLY	
CHARGE TO	_____
DEPOSIT	_____
FEE	_____
TOTAL	_____
PERMIT #N	_____

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
5201 RUFFIN ROAD, SUITE D, MS-0336
SAN DIEGO, CA 92123-1666
PHONE: (858) 694-3275 • FAX: (858) 279-7020

THOMAS BROTHERS			
YEAR	PAGE	COORD.	

Owner/Permittee _____ Telephone () _____
Last name First

Mailing Address _____
Street City State Zip code

Location of encroachment _____
Street City

APN # _____

☐ Driveway ☐ Fencing ☐ Political Signs ☐ Scaffolding ☐ Storage ☐ Yard ☐ Other

Describe _____

Will encroachment interfere with the public use and maintenance of:

Travelled way? ☐ Yes ☐ No Side path or sidewalk? ☐ Yes ☐ No
Shoulder or parking lane? ☐ Yes ☐ No Drainage structure or watercourse? ☐ Yes ☐ No

Justification for Encroachment _____

Permit requested: ☐ 1 day ☐ 3 days ☐ 10 days ☐ Indefinite ☐ _____ days Effective date _____ 12:101 a.m.

AGREEMENT

In consideration of the granting of this permit, the applicant agrees:

1. To save harmless the County of San Diego and any officer or employee thereof from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any placement, change or renewal of an encroachment under the terms of this permit, and to assume all of said liabilities.
2. To comply with all applicable laws in the establishment, maintenance and removal of the encroachment.
3. That the permittee and any other person engaged in any work authorized by this permit shall conform to all due safety precautions for the protection of persons and property.
4. To remove or relocate any encroachment placed, changed or renewed under the authority of this permit; prior to its expiration or within 24 hours of notification to remove, if the duration is 10 days or less; or within 5 days of notification to remove, if the permit is of indefinite duration.
5. After removing or relocating the encroachment, to restore the highway to the equivalent or better condition than it was prior to the date this permit became effective, or prior to the date the encroachment was first placed, whichever is earlier.

I hereby agree to provide the indemnification as required by Chapter 2 of Division 6 of Title 8 of the San Diego County Code.
"I declare under penalty of perjury under the laws of the State of California that the statements made herein are true and correct."

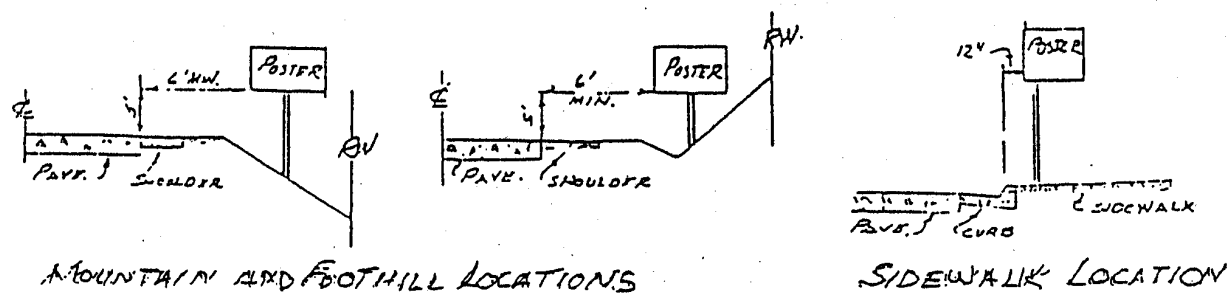
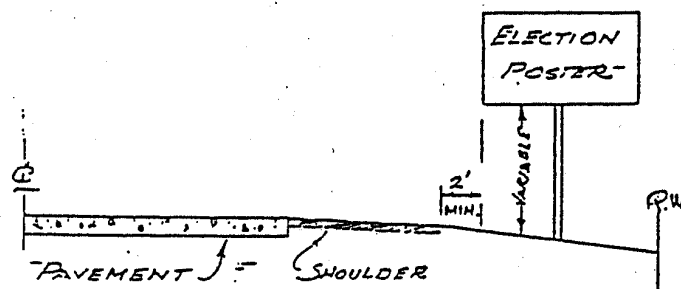
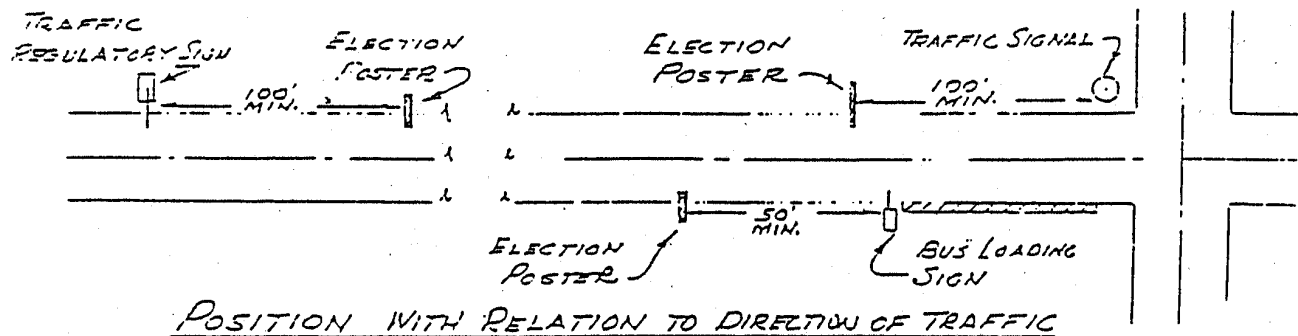
Signed _____ Date _____
Owner's Signature

COMF0015/IDW #146 (Rev. 12/03)

COUNTY SIGN INFORMATION (Continued)

INSTRUCTIONS TO PERMITTEE:

1. Election Posters placed within County Road and Street Rights of Way must be positioned in accordance with the sketches shown hereon.
2. Number of Posters and Location of Each Poster shall conform to information furnished at time of Issuance of Permit.



COUNTY SIGN INFORMATION

Policy Number: J-5

SIGNAGE IN COUNTY ROAD RIGHTS OF WAY

Purpose

To establish regulations as to the design, construction, and erection of signs in County rights of way.

Background

The State of California Streets and Highways Code, Chapter 5.5, Division 2, provides the authority for the County Road Commissioner to control signs within the County's rights of way. This authority was granted to assist in roadside cleanup and litter removal programs. The County's Strategic Plan includes a Safe and Livable Communities Initiative. County control of signs in County road rights of way helps keep communities safe and livable by enhancing roadway safety and helping communities in the County retain their character.

Policy

It is the policy of the Board of Supervisors that:

A. Permanent Signs:

1. Eligibility/Purpose:

- a. Signs are permitted in the County rights of way for the purpose of promoting traffic or public safety. Eligibility for directional signs shall be determined by the Director of Public Works in conformity with those regulations found in Section 4-04.13 of the Caltrans Traffic Manual addressing safety. A denial of eligibility may be appealed to the Planning Commission pursuant to Sections 7200-7206 of The Zoning Ordinance.
- b. Public organizations and private organizations, such as bench advertising agencies, are eligible to place transit benches with and without advertising within the County rights of way. However, this policy shall not supersede adopted overlay zones or ordinances (Section 6203(a) of The Zoning Ordinance) which may restrict placement of benches with or without advertising within the County rights of way.

2. Encroachment Permit:

A revocable encroachment permit shall be obtained from the Department of Public Works prior to placement of all signs, benches, shelters, or chairs within the County rights of way.

The County may revoke a permit by giving 30 days notice to remove, in writing, to the permittee. The encroachment permit shall provide that if the sign has not been removed within this period, it may be removed and destroyed by the County at the permittee's expense.

COUNTY SIGN INFORMATION (Continued)

3. Location:

a. Destination and Public Safety Signs:

(1) The location of all signs shall be approved by the Director of Public Works or the Director's representative to ensure traffic safety.

(2) Signs shall not be permitted within 100 feet of traffic signals or within 100 feet of official directional or regulatory signs (stop, speed, parking, etc.) on any street where such signs are located, or closer than 50 feet to transit loading zone signs.

(3) A sign may be placed at every decision point on the route to the destination. A minimum spacing of 60 meters between directional signs should be maintained. If there are more eligible destinations at a given intersection than can be accommodated under the above limitations and 3(a)(5) below, they must compete for signs based on traffic volumes to these destinations. Normally, destination signage is via the route requiring the least amount of time to travel from the nearest state highway. Neighborhood Watch signs are exempt from this subsection.

(4) Signs shall be installed in compliance with all sections of the Vehicle Code and safety laws.

(5) At locations where three or more directional signs are located within 200 feet, all shall be grouped on single posts and panels not to exceed a total of four destinations.

b. Transit Bench and Transit Shelter Advertising Signs:

The placement of transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

3. Construction Designs and Material of Signs:

a. Destination and Public Safety Signs:

(1) All signs shall be of permanent, durable materials, such as porcelain and enamel steel or other acceptable construction and of standard size in accordance with Caltrans standards, except community identification signs at the entrances to cities and towns.

(2) All signs shall be of standard material, design, shape, size and color (as approved by the Director of Public Works or a representative).

(3) A 3/8" black border 1/4" from the edge of the sign shall be provided.

(4) Not more than three lines of copy will generally be permitted with a minimum height of 2-1/4" plain capital block lettering, and all signs shall include an arrow at the bottom of the sign to indicate directions.

(5) No seals, emblems, or insignia, nor any other color paint will be permitted on signs.

COUNTY SIGN INFORMATION (Continued)

(6) Posts for signs shall be 4" x 4", S4S, clear redwood, 11 feet long.

(7) Posts shall be painted with one prime coat and two coats of white lacquer enamel. The bottom 48" of the post shall have in addition one coat of black asphalt paint.

(8) The bottom of the posts shall be 2'6" below the ground or sidewalk level.

(9) The sign and post shall be so placed as to minimize the hazard to both pedestrian and vehicular traffic.

(10) The sign shall be attached to the post with two 5/16" galvanized carriage bolts.

b. Transit Bench and Transit Shelter Advertising Signs:

Construction, design and materials for transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

5. Illegal Signs:

Signs placed in the County rights of way contrary to the above provisions are illegal and will be removed by the County and destroyed. However, any signs existing prior to the adoption of this policy will be posted with a removal notice fastened securely to the sign or billboard to notify the owner the date that this sign will be removed by the County if not removed by owner.

6. Full Cost Recovery

Private parties requesting a sign shall pay all costs of processing, construction and installation by the Department of Public Works.

B. Temporary Election Campaign Signs:

1. For purposes of this Policy, Election Campaign Signs shall be defined as signs for elections conducted by the Registrar of Voters.

2. Temporary public election campaign posters may be permitted, subject to the following procedures:

a. The Registrar of Voters shall maintain copies of the Board policy relative to election posters and shall issue a copy to each candidate at the time the candidate's petition is issued.

b. In order to prevent a danger to motorists and pedestrians due to confusion and distraction, which may be caused due to the posting of signs in certain locations where they compete with traffic safety signs or interfere with visibility, it shall be necessary to obtain a revocable Encroachment Permit from the Director of Public Works.

(1) The maximum size of a poster shall be four square feet.

(2) The poster shall (on the back) identify the Encroachment Permit number.

(3) No sign shall be placed in the right of way earlier than 90 days prior to an election.

COUNTY SIGN INFORMATION (Continued)

(4) The permit shall require the signer to obtain permission to place any signs on or attached to the property of others, and shall provide that the permit shall be revoked if the permittee uses the property of others without their permission. Nothing in the permit shall be taken to imply County permission to place signs on property of others.

(5) The permit shall require the permittee to remove his/her signs within two weeks after the election for which the permit was issued, and shall authorize the County to remove, without notification, signs not so removed by signer.

(6) In each instance and under the same conditions as the Policy permits temporary campaign signs, a sign containing a non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted.

(7) The County shall charge for sign removal and the permittee shall, in signing his/her permit, agree to pay for County cost of removal of his/her signs.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

10-18-65 (9)

County Engineer Letter 1-14-66

1-25-66 (86)

6-23-69 (98)

7-24-79 (41)

10-6-82 (56)

12-4-84 (14)

7-26-88 (43)

12-12-89 (49)

5-18-94 (3)

7-14-99 (4)

5-15-02 (3)

9-18-02 (5)

6/18/03 (9)

CAO Reference

1. Department of Public Works

2. Department of Planning and Land Use

INCORPORATED CITIES SIGN INFORMATION

SIGN ORDINANCES

Information on sign permits or complaints about illegal signs can be obtained from the numbers listed below.

INCORPORATED CITIES		
CITY	DEPARTMENT	TELEPHONE NUMBER
CARLSBAD	Planning Department Code Enforcement	Sign Permits: 760-602-4610 Illegal Signs: 760-602-2703
CHULA VISTA	Planning Department	619-691-5101
CORONADO	Community Development	619-522-7326
DEL MAR	Planning/Code Enforcement	858-755-9313
EL CAJON	Planning Department	619-441-1741
ENCINITAS	Code Enforcement	760-633-2685
ESCONDIDO	Planning/Code Enforcement	760-839-4617
IMPERIAL BEACH	Community Development Department	Sign Permits: 619-628-2381 Illegal Signs: 619-628-1359
LA MESA	Planning Department	619-667-1189
LEMON GROVE	Community Development Department	619-825-3805
NATIONAL CITY	City Clerk	619-336-4228
OCEANSIDE	Building Department	760-435-3950
POWAY	Development Services Division	858-668-4663
SAN DIEGO	Development Services Neighborhood Code Compliance	Sign Permits: 619-446-5000 Illegal Signs: 619-236-5500
SAN MARCOS	Code Enforcement Office	760-744-1050 Ext. 3145
SANTEE	Department of Development Services	619-258-4100 Ext. 152
SOLANA BEACH	Planning Department	858-720-2440
VISTA	Development Services Division Code Compliance Division	Sign Permits: 760-639-6108 Illegal Signs: 760-639-6141
STATE OF CALIFORNIA		
SEE PAGE 84 FOR DETAILS		
COUNTY (UNINCORPORATED AREAS OF SAN DIEGO)		
SEE PAGE 87 FOR DETAILS		858-694-3275